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A
L E T T E R
TO THE
E L E C T O R S
OF
G R E A T B R I T A I N.

By JAMES SUTHERLAND, Esq.

[Price Two Shillings and Six-pence.]

THE
TO THE
-B-1 E G T O A S
OF
GREAT BRITAIN
BY JAMES WILKINSON

Printed by J. W. G. & Co. London

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By *JAMES SUTHERLAND, Esq.*

LATE JUDGE OF THE ADMIRALTY AT MINORCA.

L O N D O N :

PRINTED FOR THE AUTHOR, AND SOLD BY J. S. JORDAN, No. 166, FLEET-STREET.
M,DCC,XCI.

LETTER

TO THE

SELECTORS

OF

GREAT BRITAIN

JAMES SUTHERLAND, ESQ.

LATE JUDGE OF THE ADMIRALTY AT MINORCA.

LONDON

PRINTED FOR THE AUTHOR, AND SOLD BY J. S. JORDAN, No. 112, FLEET STREET.

M.DCCC.XC.

TO THE
ELECTORS
OF
GREAT BRITAIN.

MY COUNTRYMEN,

AFTER having, during seven years, tried every means that my imagination furnished me with, to obtain justice from Government; I now bend, desponding, to my hard destiny: while, for the sake of posterity, I submit my case, contained in the following sheets, to your consideration.

That profound lawyer, the late Judge Blackstone, warrants me in asserting, that "The security of his reputation or good name, from the arts of detraction and slander, are rights to which every man is entitled, by reason and natural justice; since, without these, it is impossible to have the enjoyment of any other advantage or right." And the same elegant writer says, "That if there should happen any uncommon injury, or infringement of the rights before mentioned," (I mean those stated in his *Rights of Persons*,) "which the ordinary course of law is too defective to reach; there still remains a fourth subordinate right, appertaining to every individual,

" *individual*; namely, the right of petitioning the King, or either House of Parliament, for redress of grievances."

The ordinary course of law, not extending to afford me relief, in the instance of which I had to complain; and this doctrine of that great man coinciding with my own sentiments; I confidently petitioned the last House of Commons, for redress against the grievance of my reputation and good name having been injured by a FALSEHOOD, expressed in a petition addressed to that Honourable House; and recommended, by the Chancellor of the Exchequer, in His Majesty's name, to the consideration of the House. I also petitioned the King, afterwards, on the same ground; and on other causes of complaint: and prayed for redress.

The House refused to receive my petition.—Its sentiments, therefore, were made known; but, to this hour, I have not had the means of acquiring those of His Majesty.

And as the same enlightened and constitutional author, authorizes me to advance, that the supposition of law is, " That neither the King, nor either House of Parliament, (collectively taken,) is capable of doing any wrong; since, in such case, the law feels itself incapable of furnishing any adequate remedy. For which reason, all oppressions which may happen to spring from any branch of the sovereign power, must necessarily be out of the reach of any stated rule, or express legal provision; but, if ever they unfortunately happen, *the prudence of the times must provide new remedies upon new emergencies.*"

Such an emergency my case presents.

Let

Let me then beseech you, to instruct your representatives in Parliament, to get the law at present existing, (which I have insinuated does not afford relief in this instance,) amended; so as to give the subject a remedy hereafter, against whoever shall asperse his character by any FALSEHOOD stated in a petition to the House of Commons; although such petition may be recommended in His Majesty's name, to the consideration of the House.

And as the right of the subject to petition the Crown for redress of any grievance, and in order to obtain justice, is nugatory, while the communication of the Royal Pleasure is withheld: let me also beseech you, further to instruct your said representatives, to obtain an act of Parliament to assure the communication of the Royal Will *by His Majesty's Ministers*, to every subject who may in future present such a petition to the King.

By which means, I hope, that the last man who shall be driven to destruction in this country, by the abuse of power, and it's contemptuous neglect, will be

Your injured fellow-subject,

London, 1st August, 1791.

JAMES SUTHERLAND.

* * Every thing between page 22, and the Appendix has not appeared in print before.

TO

I am then desirous you to inform your representatives in Parliament
to get the law at present existing, (which I have informed does not stand
relief in this instance), amended: so as to give the subject a remedy
and, against whoever shall offend himself by any FALSIFICATION
is a petition to the House of Commons; although such petition may be
recommended in His Majesty's name, to the consideration of the House.

And as the right of the subject to petition the Crown for redress of any
grievance, and in order to obtain justice, is necessary, while the commu-
nication of the Royal Warrant is withheld, let me also desire you further
to inform your said representatives to obtain an act of Parliament to secure
the communication of the Royal Warrant by His Majesty's Ministers to every
subject who may in future present such a petition to the King.

By which means, I hope, that the last man who shall be driven to desire
tion in this country, by the abuse of power, and its consequences
neglect, will be

Your obliged fellow-subject,

London, 18 August 1793.

JAMES SUTHERLAND

* * * Every thing between page 22, and the Appendix has not appeared
in print before.

TO

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Petition of JAMES SUTHERLAND, Esq; late Your Majesty's Commissary and Judge of the Vice Admiralty Court in the Island of Minorca,

MOST HUMBLY SHEWETH,

THAT on the eighth day of April instant, the Petitioner inclosed a memorial, of which that hereunto annexed is a duplicate; and three papers to Lord Sydney, one of Your Majesty's principal Secretaries of State, requesting that the same might be laid before Your Majesty as soon as it should be in his Lordship's convenience to do so*.

That on the sixteenth instant, the Petitioner did himself the honor of writing another letter to Lord Sydney, to beg the favor that his Lordship would condescend to inform him, whether that had been done, and when †.

That the Petitioner has not been honoured with such condescension by that Noble Lord.

That the Petitioner has a helpless wife, attending a daughter who has consumptive indications, that after having been sent to Bristol, was removed to Devonshire, until the present temperate season should admit of her being taken to Abergavenny; now waiting for his presence and assistance: And the Petitioner does not rely less on Your Majesty's royal feelings, as a husband, and a father, than on those, as the father of your people; that the ruinous expence which has long attended the Petitioner, from successive indisposition in his family; as well as the misfortune and anxiety of being separated, may not be encreased, by his being detained from them to a distant period.

The Petitioner therefore, with all the duty and veneration of a good subject, humbly lays himself at Your Majesty's feet, to implore Your Majesty's decision, and a communication of it, on the prayer of that memorial.

And the Petitioner, as in duty bound, shall ever pray, &c. &c. &c.

21 April, 1785.

* No. 1. in the Appendix is a copy of the letter written to Lord Sydney on that occasion, by his conduct.
† No. 3. is a copy of this letter.

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Memorial of JAMES SUTHERLAND, Esq; late Your Majesty's Commissary and Judge of the Vice Admiralty Court in the Island of Minorca,

MOST HUMBLY SHEWETH,
THAT the Honorable General James Murray, late Governor and Vice Admiral of the said Island, having in August 1780, suspended him from his said office, the Memorialist never obtained official information of the reasons which the General had assigned to Your Majesty for such proceeding.

That the conquest of Minorca by the Spaniards, having brought the General to be amenable to the courts of justice of this country, the Memorialist brought an action against him, in Your Majesty's Court of Exchequer, to obtain redress for that injury.

That General Murray, under pretence of wanting witnesses that were abroad, and by other artifices, retarded the cause from being brought to a hearing; so long, as to make it impossible, that when it at length came on, he should not be furnished with every means of defending himself; and therefore, after the Memorialist had felt extreme anguish at every mode of delay that had been practised, having a wife whose limbs were almost useless to her, and a sickly family; and being obliged for their support, and for the prosecution of his suit, to borrow money to such an amount as increased his debts to more than one-half of the sum which he finally recovered in his action: he at length consoled himself, on the day that his cause was set down for a hearing, with the idea, that General Murray would, in open court, urge every thing that he had ever thought himself at liberty to represent, either openly, or secretly, as culpable in the Memorialist. — And to induce the General to do so, he used every method of calling upon him to exhibit such charges, at the time of trial.

That notwithstanding those calls, General Murray, instead of offering a justification of his conduct, by impeaching the character of the Memorialist, suffered his counsel to

take

take an exception to an alledged defect in the Memorialist's declaration; but this objection was not allowed to withhold the cause from going to the jury; who, upon a full discussion, found a verdict for the Memorialist.

That the Memorialist being afterwards advised that such verdict was defective, applied for a new trial; and the cause of action was tried a second time, after a period of five months had intervened, and given the General a further opportunity of preparing for justification:—Yet chicanery was attempted to put off the trial; under pretence that a witness was necessary to be produced, who, nevertheless, when he appeared in court, was not examined.

That at this second trial, the counsel for General Murray went into a justification of his conduct:—And after a full and solemn hearing, the jury, with the approbation of the judge, found a verdict for the Memorialist.

That one of the Memorialist's sons, who had been in prison with him, and had written a letter for him to Dr. Franklin, which the General had made the basis of criminal insinuations; attended in a conspicuous part of the court, at each of the trials, by the desire of the Memorialist, in order to give the General an opportunity of examining him in the amplest extent:—But as General Murray's disposition to avoid fair investigation, *every where*, would not suffer him to lay the copy of that letter before the public, when called on to do so by the Memorialist; so the General's counsel had too much discernment to touch upon it, or to examine the Memorialist's son; from whose evidence the Memorialist must have derived the most absolute proof of affection in himself for Your Majesty, and his country, and of his zeal for Your Majesty's service: as well as that the Memorialist did, at all times, but once most solemnly, in a moment when he thought himself near expiring in prison, recommend to his son, to hold that love, and that zeal, ever as near his heart, as he should do the principles of his religion; or his truth; or his honour; and that while they were in prison, it having come to his knowledge, that the twenty-fifth regiment, in which the Memorialist has another son, was said to have received orders to hold itself in readiness to embark for America; either the Memorialist himself wrote, or by the Memorialist's desire, the one which was with him did write to that son, requiring him, by the duty and affection which he owed to a father, *who never expected to see him again*, to make no distinction between the enemies of his country; and to exert himself bravely against the Americans.—This will appear by the paper No. 1.* being an extract of an affidavit which his son made before a magistrate, after the last trial.

* This Paper is No. 4. in the Appendix.

That the Memorialist, extremely anxious to have every thing regarding that letter searched into, in the strictest manner, made diligent enquiries about it at the Secretary of State's Office for the Home Department; and also about a letter which he had written on the seventeenth of June, 1779, to Lord Weymouth, then Secretary of State for the Southern Department; (of which letter fuller mention is hereinafter made) each time that this cause was coming on to trial; and he had been positively assured, as well when Lord Sydney was, for the first time in that department, as afterwards, in the time of his Lordship's successor in office, *that neither of those letters were there.*

That the reason the Memorialist sought for them in the Home Department, was, that when Lord Hillsborough had been Secretary of State for the Southern Department, his Lordship once produced the letter written to Dr. Franklin: And also because the Memorialist understood, that upon the suppression of the third Secretary of State, the papers that had been formerly in the Office of the Southern Department, were placed in that of the Home one. — Yet the Memorialist, just before the last trial, thought it advisable to apply to Your Majesty's then Secretary of State in the Foreign Department*, requesting that if that letter was in his office, the Memorialist might be allowed to have a copy of it, as he felt it to be extremely necessary for him; not only because the Memorialist had obtained a new trial, *in which he wished for a full investigation of facts*; but also because the Memorialist meant to avail himself of *that very letter*, to support his solicitations for favour and reward from Your Majesty; expressing at the same time, the most ardent desire, that as the tendency of it had been much misrepresented, the original letter might be laid before Your Majesty.

That in consequence of such application, not only strict search was made for the letter in the Foreign Department, but when it appeared that it was not there, Mr. Aust was sent from thence to enquire about it in the other Secretary of State's Office; and that gentleman was authorized to assure the Memorialist, and he accordingly did so; that he and Mr. Nepean, had examined the whole correspondence between Lord Hillsborough, and General Murray; and that neither that letter, or any indication of it, were to be found: But that he had seen a slip of paper which mentioned, that *three papers had been taken out of that correspondence!*

* The Right Honourable Charles James Fox. — Here let me pay the tribute of Justice, and Gratitude, due to that Great Man, for his behaviour on this occasion. — Unacquainted with Mr. Fox, and unconnected with any of his Friends — he saw me without hesitation — heard my story with equal patience, and politeness; and in my presence, directed Mr. Frazer who was then Under-Secretary, to enquire about that Paper, that he might shew it to the King.

That

That had that letter been forthcoming, the Memorialist's counsel would have examined his son regarding it, before an English Judge, and an English Jury; so as to have put calumny to eternal silence.

And here, Sire, the Memorialist is at a loss to find language sufficiently expressive, and equal to the duty, humility, and affection, that he feels for his king, and with which he is desirous to approach Your Majesty; to remonstrate that he feels himself aggrieved by such assurances, so repeatedly given to him, of the non-existence of the letter to Dr. Franklin, in the Secretary of State's office.——Trusting to those assurances, the Memorialist was baffled; and did not avail himself, as he otherwise would have done, of the benefit and assistance of the laws of his country; thinking it useless to serve a subpoena duces tecum, to compel the production of a paper, *which, notwithstanding such assurances, a Clerk from Lord Sydney's office afterwards produced to a Committee of the House of Commons when General Murray wanted it, for the purpose of injuring the Memorialist.*

That the Memorialist submits with all humility, that the lives, the property, and (he is convinced from what he has experienced) the reputation of Englishmen may be endangered, if state-papers are *withheld* when called for in their vindication; and produced, *only*, when wanted to support a criminal charge: And that the evil will be increased, if after having been produced for the last-mentioned purpose, not only copies thereof shall be refused them; but, still more, that they shall be denied even a communication of the contents of such papers!——And, as there must have been improper conduct, in some person, concerning his letter to Dr. Franklin, he humbly hopes, without pretending to impute such impropriety to any particular person, that Your Majesty's justice will be exerted in enquiring into this matter:—And he also hopes, that it will, in like manner, be exerted, in enquiring by whom, and for what purpose, three papers were taken out of the correspondence between Lord Hillsborough and General Murray, as reported by Mr. Aust; and how it happened that the Memorialist's letter to Lord Weymouth was not forthcoming.

And the Memorialist further represents, That as he never had a wish to make any attack on General Murray, that did not originate in the principle of self defence; he satisfied himself with establishing his public character, by publishing the trial of his cause, without the least invective or comment; ample as the field was, which it afforded him for such; persuaded, that the good sense of mankind would lead them to believe, that the General, at that trial, had not omitted to alledge every thing against the Memorialist, to which the art of lawyers could possibly give a colour.——And in order to
put

put an end to all difference between them, the Memorialist afterwards wrote General Murray a letter, of which No. II.* is a copy, requiring apologies from him on eight articles: But although the General did not think proper to answer that letter, he some time afterwards had a conversation with a gentleman on the subject of it, in which, explanations regarding it took place; and that gentleman delivered the Memorialist a paper, to which he put his name, as containing the explanations given by General Murray on that occasion: — It is stated in such paper, that the General admitted, that the particular circumstances and situation, which occasioned the Memorialist's letter to Dr. Franklin, rendered it justifiable: and that he did declare, that he never conveyed, or meant to convey, any idea of criminality in the Memorialist on the subject.—And a few days after this, a friend of the Memorialist's having applied to him, and told him that one of General Murray's friends had spoke to him about the affair, and therefore he wished to be of use between them; the Memorialist delivered his friend a letter, in which, after having, *to gratify the good disposition and desire of that gentleman*, expunged some strong expressions that were in it; sufficient indications of reprehension remained for the General to digest: of whom, in the conclusion of it, the Memorialist took (what he meant to have been) a final leave; expressing his determination to hear no more of him, directly or indirectly: But he first requested, that his friend would get a copy of that letter communicated to the General, through the same channel in which the application to him had been made: and this was accordingly done.

That the Memorialist held it impossible, that after such transactions as those, General Murray could ever mention the letter to Dr. Franklin, in any manner disadvantageous to him: Yet, to his extreme astonishment, he some time after heard whispers, which indicated that the General was doing so, to induce Your Majesty to grant him a sum of money, to indemnify him for what he had been adjudged to pay the Memorialist.

That the Memorialist not holding a vague report to be sufficient grounds to authorize him to make a formal remonstrance to any of your Majesty's Ministers about such a matter, he made attempts to inform such of them as it most regarded, of what he had heard; and to insinuate, that at the same time that he wished to be considered as not presuming, in the least, to object to the granting General Murray any sum of money; otherwise than so far as such grant might go to affect his reputation under colour of that letter, he would entreat to be laid at Your Majesty's feet, humbly supplicating, that his own trial and punishment, if there was any thing wrong in the letter, considering

* It is not thought necessary now to insert this Paper.

the circumstances under which it was written, and the motives from which it apparently originated, might precede every other act operating to affect him as the author of it.— And it having occurred to the Memorialist, that *that* would not be an improper moment to present a memorial to Lord Sydney, (having always entertained the design of so doing at a proper season,) setting forth his humble pretensions to Your Majesty's favour and munificence; concluding such an application would naturally draw forth every thing that could be urged against him; he therefore did present such a memorial to his Lordship; humbly requesting, himself and his case, to be laid, with the greatest duty and veneration, at your Majesty's feet.— In that memorial he studiously avoided introducing the General's name, with any expressions of disrespect*.

That to the injuries which the Memorialist therein stated to have been done to his health, by his having been a state prisoner to France, he can with great truth add, the frequent swelling of his left jugular artery, threatening him with sudden dissolution;—his inability to use his pen, with that facility and dispatch that he formerly did;—and his not being able to apply to business of weight, or to use a strong exertion of the mental faculties, in order to procure a maintenance for himself and his family.

That the Memorialist had several official conversations, at Lord Sydney's office, with Mr. Nepean, the medium of soliciting his Lordship to obtain Your Majesty's determination on his said memorial, and of acquiring a knowledge of what your Majesty's sentiments were respecting him: And at last, on the twenty-first day of July, the Memorialist was there, officially, assured by that gentleman, that a copy of such part of the said memorial, as related to the Treasury department, would that day be sent from thence, with a letter to the Treasury; and that the other parts of it would be taken into serious consideration as soon as possible.—In consequence of which assurance, the Memorialist, on the twenty-sixth day of the same month, applied in writing to Mr. Rose, at the Treasury, to know whether any proceedings had been had at that Board, regarding his said memorial, and Lord Sydney's letter; and the Memorialist felt some surprise, when he was told by one of the clerks, that Mr. Rose had desired him to inform the Memorialist, that neither the one or the other had been sent thither.

That the Memorialist, in consequence of this information, returned immediately to the Secretary of State's office; but could not get access to Mr. Nepean: who excused himself from seeing him, as he was extremely hurried with much business.

* A copy of that memorial immediately follows this one.

That

That the Memorialist knowing that Administration had at that time many matters of extreme consequence to take up their attention, which must necessarily have rendered it more inconvenient to that gentleman to have been spoken to, in such a situation, than when the hurry of business should be somewhat over; he determined, little apprehensive that any machination could be, at that very time, successfully carrying on against him by General Murray, to wait with patience a fortnight longer, without any intruding solicitation; and to employ that time in attending to the care of a wife, and a child, that were indisposed at Brighthelmston:—What the surprise and emotion which he felt were, on his finding on his return from thence that he had been mistaken in his idea, of having no such danger to apprehend; Your Majesty may form some slight conception of, if your royal goodness shall incline you to direct that four official letters to the Right Hon. Mr. Pitt, and two to Lord Sydney, written by the Memorialist, may be laid before your Majesty,* and by those letters it will appear, how extremely desirous the Memorialist had been, of meeting and refuting in a full House, every thing that General Murray had stated in his petition to the House of Commons: Yet the Memorialist humbly begs leave to explain, that at the moment he manifested such desire of investigating the subject matter of a petition *which that honourable House had thought proper to receive*, he proceeded merely from the necessity of self-defence; being otherwise unwilling to enter in the House of Commons, into a discussion that tended in a certain degree *to operate in the nature of a revision of the proceedings that had been held in a Court of law: to which revision, if the Memorialist's delicacy on that subject was well founded, the House of Lords only, would ultimately have been competent, had the General carried the matter thither, under a writ of error: instead of having acquiesced in the well-founded judgment of the Court of Exchequer.*

That it was under such impression, after General Murray had withdrawn his petition last session, and that the Memorialist, in letters addressed to Sir James Johnstone, as the relation and friend of the General's, that had introduced his petition into the House of Commons, had fully refuted the whole of the allegations that it contained: that the Memorialist, in one which he prepared to be presented to that honourable House, soon after the opening of the present session, avoided every matter that might afford a colour of tending to imply a power in that honourable House to take any retrospect of the cause of the Memorialist's suspension; after that the decision of a court of justice, according to the laws of the land, had put a stamp on such cause: And, therefore, he confined himself to complaining solely of the injurious charge that had been stated in the General's said petition regarding the Memorialist's having held a secret corre-

* No. 5, 6, 7, 8, 9, & 10, are copies of them.

pondence with Dr. Franklin; and praying for an investigation thereof, and for that justice and redress, which, from the circumstances of the case, the laws of the land could not hold out to him in a court of justice *: But, unhappily for the Memorialist, his petition was not allowed to be brought up in that honourable House; whereby, among other losses and disadvantages which the Memorialist felt, a capital one, was, the disappointment of his hopes, to have obtained in the regular course of parliamentary proceedings, copies of those papers that he could not get elsewhere; and which would have enabled him to have approached Your Majesty with the fullest refutation of those facts, which must have been introduced under false colours, to Your Majesty's royal notice. — The disappointment of not being able to obtain a remuneration of the heavy expences which the Memorialist had been led into, from the attention he necessarily paid to the consequences of General Murray's said petition, was only a secondary consideration with the Memorialist: — Yet, as the courts of law are unequal to granting him redress on this head, he humbly begs leave to offer the misfortune he labours under in that respect, as an object for Your Majesty's royal consideration and bounty.

That the said petition of General Murray, carried one striking absurdity on the face of it. — For after having stated that the Memorialist had held a secret correspondence with Dr. Franklin, the American Ambassador at Paris, as appears by his intercepted letters in the office of Your Majesty's Secretary of State; it set forth, that the Memorialist was absolutely returning to Minorca, with the approbation of Your Majesty's Ministers, to take possession of his office again! — It is unnecessary for the Memorialist to observe, that Your Majesty's Ministers could never have been guilty of permitting a person to return to an office of such consequence, as that of a Judge of an Admiralty Court in time of war, who was even suspected, much more known, to have held a secret correspondence with Dr. Franklin.

The Memorialist humbly presumes to state here, that he defies all mankind to prove that he ever had any American friendships, or connexions whatever; or even one American correspondent; or that his uniform behaviour had been other than that of a zealous, loyal subject; rejoicing, upon every occasion, in the success of Your Majesty's arms, and lamenting when they had not been so. — To these general assertions, the Memorialist humbly entreats to be allowed to add specific facts, demonstrative of his disposition.

* As this petition, and also my first one, have appeared in the public prints, both of them are now omitted.

The first is, That there never was an attack apprehended to be made on Minorca, while the Memorialist was there, that he did not offer to serve personally with the troops in defence of Fort St. Philips *.

The second is, That when the fleet under Count D'Estaing, on his first expedition to America were fitting out at Toulon, he employed a spy, by General Murray's desire, (a Mr. Soyris, a Frenchman, over whom the Memorialist had great influence) to go to France to make observations, and to communicate them: who being well acquainted with some of the naval officers of that department, had easy access to the arsenals, and procured every intelligence that the General had required.

This mention of that person, leads the Memorialist to a subject about which he has felt much embarrassment—But he holds it absolutely necessary to be stated; and therefore he humbly entreats Your Majesty's permission to represent, that in the letter by him written to Lord Weymouth on the 17th of June, 1779, herein before-mentioned; he pointed out to his Lordship what had been the causes that led to the imprisonment of the Memorialist in France; as well as that when the Memorialist so engaged Mr. Soyris to go to that country, it was upon the express condition that nobody should know any thing of his being employed, but the General, and the Memorialist: and that his hand-writing was not to be seen by any other person †. The reason the Memorialist had for that was, that General Murray then had a person for his Secretary, whom the General himself was afterwards afraid to trust with the secret of his having freighted a vessel under neutral colours, for the service of Government; but employed the clerk to that very secretary, as his confidential agent in the business; as will appear by the Paper No. 3 ‡, being a copy of that clerk's affidavit; which

Not six weeks before General Murray suspended me, I sent him the following note, viz. 'The underwritten, in consequence of a proclamation made this evening, signify their intention of doing duty as volunteers in the grenadier company of the 5th regiment, in case of a siege of St. Philip's Castle; but don't mean that this signification should extend to subject them to military law, before that event happens.'

' JAMES SUTHERLAND.

' JAMES SUTHERLAND, Jun.

' The Hon. Gen. Murray.

' Monday night, 26th June, 1780.'

† See No. 11.

‡ This paper is No. 13 in the Appendix.

which affidavit, though taken at the General's own desire, furnishes a positive proof, strange as it may appear, that General Murray was too careless about papers of consequence; and it will enable Your Majesty to form an opinion, how the business in which Mr. Soyris was engaged, came to transpire.—This is a fact, which the Memorialist never touched upon before, nor would he have done so now, had he not been positively assured, since General Murray's application to Parliament, that the General had asserted in a letter to Lord Hillsborough, which may have made wrong impressions on your Majesty, that the Memorialist, when prisoner in France, had too readily confessed to the enemy, that Mr. Soyris had been employed as a spy: Whereas the Memorialist is possessed of proofs, demonstrative, that *that* matter was publicly known in Minorca, soon after Mr. Soyris had returned from France, some months before the capture of the Memorialist, by the French.—And the Memorialist therefore humbly hopes, that those assertions will be understood to be offered, *merely*, to refute a misrepresentation made to your Majesty to his prejudice.—Yet the Memorialist in his said letter to Lord Weymouth, of the 17th of June, 1779, was under a necessity of stating indiscretion in General Murray, regarding the transaction with Mr. Soyris; and at the same time to make a precise complaint against the General, for having sent the Memorialist a formal message, *desiring that he would not in future correspond with any of Your Majesty's enemies*:—And the Memorialist did entreat his Lordship, that he might be represented, as humbly requesting Your Majesty's favour and justice, to make General Murray declare the reasons that he had for sending him that message; and that if the General had any thing to accuse him of, he might be compelled to do so, openly*: And also that if Your Majesty should think that

* It was not until after Lord Hillsborough had shewn me the letter I sent to Dr. Franklin, that I could conceive what it was that the General had alluded to in his message—That that message was sent in one of his flights of passion, and that he did not *really* think there had been any thing reprehensible in such letter having been written; as well as that he had not any ostensible objection to my public or private character, may fairly be concluded, from his having sent me an invitation to dine with him about three months afterwards, to celebrate his Majesty's birth-day in June 1779; and from his having repeated his invitation a second time in June 1780, only two months before he suspended me, although I had refused his first; and in such refusal had pointed out that message, as one of my reasons for doing so.—The following are copies of the Cards which I wrote him on those occasions.

that the Memorialist had not merited such a message to be sent to him, that such reparation might be made *to his injured honour*, as Your Majesty should think proper. — And the Memorialist did also humbly solicit his Lordship, that his health having been much impaired by the confinement, and his fortune having suffered considerably by the

‘ Mr. Sutherland presents his respects to General Murray, and begs leave to assure him that he is extremely mortified that he can’t have the honor to dine with him on the 4th of June.

‘ Mr. Sutherland was the only Civil Magistrate that was not invited on the same occasion last year: The General had forbid him his house some time before; and he left the island under his displeasure. — When he returned here, after all that he had suffered in France for serving his Country, the General received him with a coolness that shock’d him, but at last, asked him slightly, to dine with him; and though he accepted of the invitation without hesitating, he had hardly got to his house when the General sent to tell him that he was obliged to put off having him to dine, till another day! That other day never was mentioned till this day: But the General, not long after, sent him a message in form, by Mr. McNeill, Commissary for prisoners of war, desiring, “ that he would not in future correspond with any of His Majesty’s enemies.” These, and many other combining circumstances, made Mr. Sutherland hold it impossible that he should receive an invitation from the General; and therefore he has invited some gentlemen to dine with his family in the country; where, after drinking the health of their Majesties, and all the Royal Family; he will fill a glass to the King’s Governor and his Garrison of Minorca.

— June, 1779.

‘ Mr. and Mrs. Sutherland return their compliments to General Murray.

‘ Mr. Sutherland is extremely sorry that the General has used him so as to put it out of his power to accept of his Excellency’s invitation, consistent with his feelings as a man of honor.

‘ Mrs. Sutherland is equally sorry that she cannot do herself the honor of waiting on the General.

‘ Thursday Afternoon, 1st June 1780.

the long detention of himself and his son, at a great expence in France, to represent the same to Your Majesty; that as *that* misfortune and expence were brought on by what he had done for Your Majesty's service, they might become objects of Your Royal consideration.

Filled with every impression of the highest integrity, and honour of Lord Weymouth, and of the respect which he feels so much due to the character of that nobleman, the Memorialist is incapable of entertaining an idea, much less suggesting any, in the remotest degree, inconsistent with those respectful impressions.—It is his misfortune, however, that he must lament the cause, *be it what it may*, and to have to remonstrate, that he has been extremely aggrieved, by never having been able to learn, that that complaint had been, in any shape, attended to.

Had that open and full enquiry taken place, which the Memorialist, with every sentiment of duty and reverence, thinks his rights, as a British subject, entitled him to expect on the whole of that letter, *written near fourteen months before the suspension of the Memorialist*; all the loss, vexation, and dishonour, that have since befallen him, from the operations of General Murray, would have been avoided.

The third, and last specific fact, which he has to offer as demonstrative of his principles, is, that just on the sailing of the French fleet, under Mons. D'Orvilliers, at the time that Lord Keppel fought them, the Memorialist communicated intelligence to the Earl of Sandwich of such a nature, that his Lordship had the goodness to assure him, he felt great satisfaction in being able to tell your Majesty, that it was a person of *his* appointment to office, that had done Your Majesty such *essential* service.—This circumstance Lord Sandwich, at the Memorialist's request, had the goodness to communicate to the other Ministers, after Lord Hillsborough had shewn the Memorialist the letter which he had sent to Dr. Franklin, as before mentioned.—In the conversation which the Memorialist had with Lord Hillsborough at that time, his Lordship did say, that General Murray had been much in the wrong in having suspended the Memorialist; and that if the Memorialist had not left Minorca afterwards, and wrote the note or challenge which he sent from Leghorn, orders would have been sent out for re-instating him in his office; but that Government were, in consequence of *that*, embarrassed about their *personal* differences.

That

That the Memorialist, in addition to the proofs before given, of the moderation of his disposition towards General Murray, begs leave to state, that at the time that a Court-martial was in contemplation to be held on him, as well as while the court was sitting, he avoided every thing that had any tendency to an interference against him. And that, notwithstanding, that while the Memorialist was full of resentment against the General, on account of the unmerited and ill-founded attack by him made in the House of Commons as aforesaid, the Memorialist did, in his letter to Lord Sydney, of the first of October, (one of those herein before-mentioned) indicate an intention of going into a retrospect before Your Majesty of a particular part of the defence offered to that Court-martial, in which the General had spoken of the Vice Admiralty-Court of Minorca in an unwarrantable manner: Yet, now that the foreboding of his feelings with regard to General Murray have been allayed, by the correction, which in the course of the Memorialist's endeavours to wipe off aspersions, he has dealt out to the General, he feels an inclination not to take such retrospect, but to remain satisfied with the General's having done away, in the explanations that took place as before-mentioned, what was injurious to the Memorialist in such defence; if in expressing this inclination, he will be understood *as not flying from an investigation on that article, should it be Your Majesty's pleasure to have any take place; any more than he means to shun meeting, and answering, every thing that General Murray may have represented to Your Majesty regarding him, that it shall be Your Majesty's pleasure to order to be communicated to the Memorialist, with directions to answer.*—After the refusal of a communication of various papers, that he has met with from the Right Hon. Mr. Pitt, and Lord Sydney, he will presume only to solicit your Majesty, that you will be graciously pleased to direct, that he may be granted an exact copy of the letter written to Dr. Franklin, *that being the only one, of which use has been made, to impeach the loyalty of the Memorialist* *.

Anguish, and perturbation of mind, must ever be his fate, until an implication, which Your Majesty's message to the House of Commons, regarding General Murray's petition, appears to convey, shall cease to exist:—And therefore the Memorialist, in all humility, entreats, that if Your Majesty, after considering the facts set forth in this memorial, shall continue to think he has been so criminal as to have held a secret correspondence with Dr. Franklin, as stated in that petition, he may be allowed to call on Your Majesty's equity, to direct that he may be brought to trial and punishment, according to the laws of the land:—*Since, even ignominious death, in the Memorialist's estimation of things, is infinitely more desirable than life, under*

* Great God !—That I should have solicited the King in *vain*, for a Copy of this Paper is almost incredible !!!

an implication so inconsistent with his sentiments of loyalty and duty.—But if Your Majesty shall think, that the Memorialist has always acted as a good, a faithful, and a zealous subject, he will then humbly look up to Your Majesty's Royal Clemency for some mark of approbation, to change the dishonourable predicament in which he now stands, on account of the imputations with which his character has been loaded.

That Lord Sydney, in his answer to a letter that the Memorialist had the honour of addressing to him on the third of September, having signified that he had laid the memorial to his Lordship before your Majesty, the Memorialist respectfully expressed his hopes in a second letter, being that of the first of October before-mentioned, that whenever Your Majesty's Royal Pleasure should be determined upon it, his Lordship would communicate it to him; the Memorialist felt much mortification in being verbally informed by that Noble Lord on the 20th of November, that his letters had been laid before Your Majesty; and that his Lordship could not give him any answer as to Your Royal Pleasure thereon.—Hence the Memorialist is, to this hour, ignorant of Your Majesty's sentiments respecting that memorial.

The Memorialist therefore, after submitting himself and his case, as stated in this memorial, and in that to Lord Sydney, with the greatest duty, veneration and respect, that it is possible for a subject, to lay himself at the feet of his Sovereign, most humbly supplicates Your Majesty, that after determining upon those Memorials, in the graciousness of Your Royal Wisdom, Your Majesty's pleasure on both of them may be communicated to him, in such manner as to Your Majesty shall seem meet.

And the Memorialist, as in duty bound, shall ever pray, &c. &c. &c.

JAMES SUTHERLAND.

That this memorial, and the part which the Memorialist had in it, having unhappily

been lost, the Memorialist having to

TO

TO THE RIGHT HONORABLE LORD SYDNEY,

One of His Majesty's Principal Secretaries of State.

The Memorial of JAMES SUTHERLAND, Esq; late His Majesty's Commissary and Judge of the Vice Admiralty Court in the Island of Minorca,

HUMBLY SHEWETH,

THAT when the French were fitting out the Squadron at Toulon, with which Count D'Estaing sailed the first time to America, the Honorable General Murray, then Lieutenant Governor of that island, equally anxious to ascertain whether an attack was meditated against him, as some troops were assembled in the South of France; as to discover the true intent of that armament; applied to the Memorialist to employ Mr. Andrew Soyris (who has lately obtained a pension for his services on that occasion) to go to France, to make observations and procure intelligence.

That Mr. Soyris was so averse to the business, that he would not have undertaken it at the desire of any other person; but having been long employed as an interpreter in the Memorialist's office, and owing him obligations that were binding on him, he engaged to perform it, and did so, successfully.

That this business, and the part which the Memorialist had in it, having unluckily transpired, he was thereby involved in danger, calamity, and misfortune, as hereinafter mentioned.

That shortly after Mr. Soyris had returned from France, the Memorialist having resolved upon coming to England; he went to Nice; where finding that British subjects were allowed to travel through France unmolested, he took his route through that country;

country, and during the whole of his journey, was attentive to every thing that he heard, saw, or could learn, regarding the intentions of France, against Great-Britain.

That when he was preparing to leave Paris, such unusual difficulties and delays occurred in his obtaining his pass, as indicated that he was then regarded with a suspicious eye.

That when his pass was obtained, he lost no time in quitting Paris; and having travelled rapidly night and day, he had not only the good fortune of being the first person that gave administration intelligence of the sailing of the French fleet from Brest, on the cruize in which they were encountered by Lord Keppel; but he also furnished them with precise information of the number and force of it, as well as what the intentions of the French Ministry were, not solely respecting that fleet; but as to other interesting particulars: the whole of which information was verified by events; except as to the invasion of this country, which formed a part of it: and though this did not take place, it certainly was then in contemplation.

That the Memorialist had the honor of communicating such information, personally to the Earl of Sandwich; and His Lordship expressed the greatest satisfaction to him, that a man whom *he* had appointed to the office which he held under government, had done the king such *essential* service.

That the Memorialist, on preparing to return to Minorca, was charged with dispatches from the Secretary of State's, and the Admiralty offices, for General Murray; and was therefore directed to proceed through Germany, instead of going through France, as he would otherwise have done; and he was furnished with a Letter from Lord Weymouth to the General, directing payment to be made him of the difference of expence, that he should thereby incur.

That the Memorialist proceeded accordingly to Nice; where a Sardinian vessel was hired by direction of our consul Mr. Birbeck, purposely to carry him to Minorca, on board of which he was taken on the 16th of October 1778, by an armed boat belonging to one of three Xebecs under the command of the Chevalier de Montgrand, in violation of the principles that France had, with much parade, professed regarding neutral colours.

That

That the Memorialist soon learnt, that it had been in agitation to have taken him up when at *Pisa*; and that the French Minister of the marine had been so attentive to his motions afterwards, that he had stationed different cruizers, in the vicinity of Leghorn, Genoa, and Nice; the commanders of which, had orders to take him out of any vessel *whenever, where he should be found.*

That the officer commanding the boat that took him, brought a paper in his hand; at which, and at the Memorialist's person he looked alternately; which paper the Commodore afterwards shewed him; and he found it contained so minute a description of him, as to mention that *he sometimes wore a round or scratch wig*: — This circumstance confirmed the suspicions he already entertained, that some information regarding him had been originally sent to France from Minorca; as he had not any such wig during his absence from thence; and he in that instant declared so, to one of his sons, who had travelled with him from England; to whom he afterwards shewed the wig alluded to, as soon as they entered his house on their arrival at Mahon, where it had remained.

That the Memorialist and his son were sent to Toulon, and from thence to Aix in Provence; where they remained prisoners on parole until the twelfth of November following, *when he was removed from thence, and put into close confinement as a prisoner of state, in Fort St. Nicholas at Marseilles*; to which place, his son, voluntarily surrendering himself to such confinement, was allowed to accompany him; and there the contemplation of his dismal prospects, and the evils that might arise to his then large family, if deprived of him, filled the Memorialist with inconceivable horror; and on the second day of his confinement he felt the menace of an apoplexy; from which he was relieved by being bled in the critical moment: but from that hour, he became subject to convulsive, hysteric fits, and to nervous and spasmodic complaints.

That although he was soon afterwards allowed to take a little air, for a short space of time daily, on the summit of the castle, *with the officer of the guard only*; the rigidity of his confinement was not relaxed in any other particular: and at length the Memorialist became so extremely emaciated, and his mental faculties so impaired, that the commandant of the Fort allowed a physician and two surgeons to visit him, and to hold a consultation about him; and the result of their deliberation having been sent to Monsieur De Sartine, that Minister gave orders that he should be released, and allowed to go to Aix again as a prisoner upon parole; and this order absolutely saved his life, as he could not have existed in confinement three days longer: But although his life was

thus

thus preserved; his nerves, and his whole frame, had received such shocks, as he has never totally recovered.

That notwithstanding his readmission to his parole, such suspicions were still entertained of him by the French Ministry, that a person was appointed to inspect the most trifling thing that he wrote, or that was written to him.

That on the Memorialist's being afterwards exchanged as a prisoner of war, General Murray, in consequence of Lord Weymouth's letter beforementioned, paid him his own and his son's extra expences until their arrival at Nice; but as that letter did not authorise the General to do more, the Petitioner did not apply to him for any thing in consideration of his heavy expences during his and his son's detention, and his indisposition in France; or what he paid the persons that did the business of his office for him, while he was so detained: And therefore he humbly hopes, that as those were incurred in consequence of his services to his country, they may not be considered to be less objects for the extension of His Majesty's Royal bounty, than the expences of those officers of the garrison of Minorca have been, who were lately hostages with the Spaniards.

That the Memorialist was in England, but his Family were in Minorca, when the Spaniards, under the Duke De Crillon attacked it; and the Duke, a few days after his landing there, having misconceived the meaning of a letter that had fallen into his hands, in which the Memorialist's wife was mentioned, he placed a centinel at the door of her house, and put her into confinement in it.—This had such an effect, upon a body and mind, too much worn out before, by anxiety and misfortune, that she attributes the almost total loss of the use of her limbs in a great measure to it:—When she was released, having still apprehensions and fears, she sold most of the Memorialist's effects, (and no other man in the island, except the Governor, had effects of such value) in the greatest hurry, and to vast disadvantage; and leaving the rest of his goods in the hands of persons, that to keep themselves from suspicion of English attachments, will now be afraid to own they are his, though they would have restored them if the island had not been ceded to Spain; she quitted Minorca as soon as possible, and brought her family, at a great expence, through France to England.—The loss and expence which the Memorialist hereby sustained, he also humbly hopes he may look up to the Royal Munificence for a remuneration of.

That the Memorialist was upwards of twenty years in the King's service, as Judge of two of His Majesty's Vice Admiralty Courts; first, in that of Gibraltar, and after-

wards at Minorca; and discharged his duty with propriety, integrity, and to the satisfaction of the suitors who came before him; of which, testimonials exist in your Lordship's office, most honourable to him: And he has presumed to inclose minutes of a transaction that happened before the late war, between Mr. Becker, a Danish Commodore, and him at Minorca; by which it will appear, that he declined receiving so large a fee as one hundred and eighty pounds, to which he was legally entitled, (and which his circumstances rendered desirable at the time) in order not to pass over the occasion that presented itself of shewing to foreigners his disinterestedness, and delicacy in office; and to make proper impressions on His Danish Majesty's Ministers, of our national justice and character (a); the brilliancy of which was never tarnished in

(a) MINUTES of a Transaction between the Danish Commodore BECKER and Mr. SUTHERLAND.

In November 1770, Commodore G. W. Becker, commander of His Danish Majesty's ship the Prince Frederic, applied to Mr. Sutherland, as Judge of the Vice Admiralty Court of Minorca, by letter and memorial, demanding justice to be administered against a Minorquin pilot, who had run that ship upon the rocks near the entrance of the harbour of Mahon, and on whom the Commodore had caused a Court of Enquiry to be held on board his ship, a copy of which Court of Enquiry he laid before Mr. Sutherland, expecting it should be considered as evidence against the pilot.

The letter was not uncivil; but in the conclusion of the memorial, there was something that looked a little like it; and tending to convey a menace of his applying to superior powers if he did not find that redress that he expected from Mr. Sutherland. Indeed, the Commodore seemed to have entertained an idea, that there was a disposition in every one, to screen and favour the pilot; which idea, it was understood, originated from General Johnstone, who then commanded in the island, having, with great propriety, required him to deliver the pilot up, who had been detained as a prisoner on board his ship.

Mr. Sutherland, without shewing that he felt that insinuation, wrote a very civil answer to the letter, and pointed out what should be the regular mode of application to him—In consequence of this, the Commodore consulted an Advocate, and brought a suit against the pilot, for the amount of the damages the ship had sustained.

in his hands : And it is his pride to boast, that notwithstanding the prodigious number of captures which he condemned during the late war, NOT ONE APPEAL was brought from any of his sentences, so much were they respected, by the subjects of all the maritime powers.

That the Memorialist being now out of employ, *at a time of life that he cannot apply to any new means of acquiring a maintenance for himself and his family*, relies, with all humility, on the justice and benignity of the King; looking up to the Royal Goodness, with equal resignation and hope, as well for a remuneration of his losses and expences, as before mentioned, as for a pension; *or any office to which his poor abilities are equal*, to support him and them. And he humbly supplicates your Lordship, to lay him and his case, with the greatest duty, and veneration, at His Majesty's feet.

And your Memorialist, as in duty bound, will ever pray, &c.

Blackheath, 5th June, 1784.

JAMES SUTHERLAND.

Grecian

* tained. The custom of collecting the Judge's fees there, is, that before he passes his sentence, the complainant pays him two and a half per cent. on the amount of the sum in litigation, which he afterwards recovers from the respondent, in case he obtains judgment against him*.

The damages demanded by the Commodore were so very considerable, that Mr. Sutherland's fee amounted to about *one hundred and eighty pounds sterling*. — This Commodore Becker knew; and Mr. Sutherland had heard of indirect insinuations having been thrown out, that it was in order to touch so tempting a fee, that he would not punish the pilot under the proceedings of the Danish Court of Enquiry, as the Commodore, from his ignorance of the English laws and customs, at first expected would have been done; wherefore, though he felt that that sum would have been extremely useful to him, as he had then a very large family; Mr. Sutherland had virtue and resolution enough to convince the Commodore of his error; by letting him know, before he published his sentence, adjudging the pilot to pay the damages; that he would not receive any fee whatsoever; thereby demonstrating to an officer of the King of Denmark's, that he was above every pecuniary consideration; and giving His Danish Majesty's Ministers, who were acquainted with the transaction, proper ideas of our national justice.

OT

* Except in Prize Causes; for there the Fees are regulated by an Act of Parliament.

Grecian Coffee-house, Temple, 7th June, 1785.

MY LORD,

After an absence of four weeks from town, on a call of duty as a father, which forced me, reluctantly, to a temporary discontinuance of my endeavours to obtain a communication of the King's pleasure on a memorial which I humbly presented to His Majesty on the 21st day of April; I beg leave to solicit the favour of being informed, whether it is in your Lordship's power to oblige me with that communication, which I feel so necessary to my reputation, and peace of mind?

And if it is not in your power, My Lord, to do so at present; may I, with all deference, request your Lordship, to make His Majesty acquainted with my humble and earnest prayer, that His Royal Determination on my case, (as a man not less disposed to meet punishment with cheerfulness and resignation, if I shall be found to deserve it, than anxious to receive with duty, and the utmost sensibility and gratitude of a good subject, such mark of favour and approbation from the King, as my conscience tells me, I may more reasonably look for, from the Royal Wisdom, and Goodness of His Majesty,) may be made known to me?

I have the honour to be, with great respect,

My Lord,

Your Lordship's

Most obedient, and

Most humble servant,

The Right Hon. Lord Sydney.

JAMES SUTHERLAND.

* * Having received no answer to this letter, I went on the 13th day of the same month, to the lobby of the office of the Secretary of State, and being informed that one of the under Secretaries was in his office, I sent him the following note:

' Mr. Sutherland presents his respectful compliments, and requests the favour of being told, whether any information is meant to be given him, on the subject of a letter which he had the honour of writing to Lord Sydney last week.'

††† That note was immediately returned to me, by the official messenger, with the following words subjoined to it:

"If any answer is to be given to Mr. Sutherland, it will be sent to the Grecian Coffee H^o."

TO

TO THE KING'S MOST EXCELLENT MAJESTY.

S I R E,

SUFFER me, I humbly beseech Your Majesty, at Your Royal Feet, to petition my Sovereign, benignly to consider my anxious situation.

A daughter so dangerously ill, that her Physician has held it imprudent she should have waited for my wished-for arrival, is now, by slow and easy journeys, proceeding from Devonshire towards Abergavenny; languid in the arms of an unhappy mother whose own infirmities, of themselves, make *her* require every attention and consolation.

Should my child die, before I see her, the last moments of her life will be embittered by my absence, and the uncertainty of what may be the fate of the dutiful application that I have made to my King.

Impelled by such irresistible considerations as those I have stated, it is to that amiable sensibility, which so conspicuously forms a part of Your Majesty's character, that I presume to look for forgiveness, in offering them, in all humility and duty, as urgent causes of my imploring the communication of Your Royal Pleasure, on the subject of the memorial, which Your Majesty was graciously pleased to receive from me.

That God may long preserve Your Majesty, in uninterrupted peace and happiness, to be the blessing of mankind, is the most ardent prayer of,

S I R E,

Your Majesty's

Most dutiful and

Loyal subject

And servant,

JAMES SUTHERLAND.

The Original of this was presented to the King, after the Drawing-Room at St. James's, on Thursday, the 4th May, 1785.

TO

TO THE KING'S MOST EXCELLENT MAJESTY.
TO THE KING'S MOST EXCELLENT MAJESTY*.

The humble Petition of JAMES SUTHERLAND, Esq; late Your Majesty's Commissary and Judge of the Vice Admiralty Court in the Island of Minorca,

MOST HUMBLY SHEWETH,

THAT on the seventh day of June instant, the Petitioner had the honour of writing a letter to the Right Honourable Lord Sydney, one of Your Majesty's principal Secretaries of State, intimating, that after an absence of four weeks from town, on a call of duty as a father, which forced him, reluctantly, to a temporary discontinuance of his endeavours to obtain a communication of Your Majesty's Royal Pleasure, on the memorial which he humbly presented to Your Majesty, on the twenty-first day of April last, he begged leave to solicit the favour of being informed, whether it was in his Lordship's power to oblige the Petitioner with that communication, which he felt so necessary to his reputation, and peace of mind.—And asking that Noble Lord, whether, if it was not in his power to do so then, the Petitioner might, with all deference, request his Lordship to make Your Majesty acquainted with his humble and earnest prayer, that Your Majesty's Royal Determination, on his case, might be made known to him?

That on the thirteenth instant, the Petitioner repaired to the lobby of the office of the said Secretary of State, and having learned that one of the under Secretaries was in his office, he wrote a note, in which he presented his respectful compliments, and requested the favour of being told, whether any information was meant to be given him, on the subject of that letter?—Which note was immediately returned to him, by the official messenger, with the following words subjoined to it, viz.—
"If any answer is to be given to Mr. Sutherland, it will be sent to the Grecian Coffee-House."

* The original of this was presented to the King after the drawing-room at St. James's, on Thursday, 23d June, 1785.

That the Petitioner not having been able to procure any other information at the Secretary of State's Office, than what he has mentioned; and finding that there has not been any answer sent to his said letter; most humbly begs leave to state those circumstances to Your Majesty, in extenuation of his presuming to approach his Sovereign again, to lay himself at Your Royal feet, with all the fervent zeal, dutiful affection, and humble submission of a good subject, possessing a conscience which tells him he may look up with hope, to Your Majesty's benignity, and benevolence.

With which sentiments, and with none other, the Petitioner most humbly supplicates Your Majesty, to dispose of him, and his said Memorial, in such manner as to the graciousness of Your Royal wisdom shall seem meet. And that surrounded as he is, with accumulated and encumbering misfortunes, his family, and himself, may no longer remain in suspense and anxiety, regarding Your Majesty's pleasure.

And the Petitioner, as in duty bound, shall ever pray, &c. &c. &c.

JAMES SUTHERLAND.

TO THE KING'S MOST EXCELLENT MAJESTY *.

S I R E,

A Subject who is equally filled with zealous attachment towards his Sovereign, as with the most perfect respect, and veneration, of his Princely, and private virtues; to which he is certain an appeal will never be made in vain; whenever relaxation from more momentous concerns can admit of Your Majesty's recollecting that one has been made; lately caught at the slenderest twig of hope, that through the channel of one of the public prints, there might be a possibility of his name's meeting the notice of his King, in a moment of leisure.

In the various turnings of a mind possessed by anxiety, a new idea has occurred to him, of humbly laying himself at Your Majesty's feet, with that paper

* The Original of this was presented to the King, at Kew, on the 21st July, 1785.

in his hand*, in a place, and at a time, when it is most probable that such a moment may exist.

And he humbly begs leave to assure Your Majesty, that when he delivered his Memorial to You, Sire, he had not a conception of giving umbrage, or disgust, to any of Your Majesty's Ministers:—And he shall be extremely concerned, if he has, unintentionally, offended any of them: For as he never, even in thought, deviated in the least from his duty to Your Majesty; so his disposition, and his wish, have been, to have demeaned himself respectfully towards them.—And he further entreats, that he may be allowed to say, that that application to Your Majesty was founded in necessity; and that if he could have obtained the signification of Your Royal pleasure, on his Memorial to Lord Sydney, Your Majesty never would have been troubled with the other:—And he can most solemnly declare, that his disposition is not a vindictive one.

That God may bless Your Majesty with a long, and happy reign, is his fervent wish: as much, as, that at the last day, his eternal salvation, may depend on his having ever been,

S I R E,

Your Majesty's

Most dutiful and

Faithful subject

And servant,

JAMES SUTHERLAND.

TO THE KING'S MOST EXCELLENT MAJESTY †.

S I R E,

AFTER that almost all the communities in the kingdom have presented addresses on Your Majesty's happy escape from the late intended assassination ‡, an individual, nearly overwhelmed with anxiety; possessing, to the full, as much attach-

* The Paper herein alluded to, is the Public Advertiser of July 12, 1785.

† The Original was delivered to the King as he was going to Chapel, at Windsor, about Eight o'Clock, on Saturday morning, 16th Sept. 1786.

‡ By Margaret Nicholson.

ment to Your Sacred Person, as the warmest of those addresses can have professed, submissively begs leave to express his humble congratulations.

In addition to the common interest, which every good subject hath in Your Majesty's preservation, he feels a distinct one; anguish, and perturbation of mind, from a cause heretofore made known to Your Majesty, ever attend him:—He, therefore, particularly offers up his adoration and thanksgivings, to the God of justice and mercy, who preserved You, Sire, in the moment of danger; that Your Majesty still lives, and has the power of alleviating his distressing feelings.

Retiring unto a farm and obscurity, he humbly presumes, without an idea of any other retrospect, to annex a copy, (except a small part that he has omitted,) of a memorial which he formerly addressed to Lord Sydney, stating his services, and his humble claim to favour from Your Majesty.

He most dutifully entreats, Sire, that Your Majesty will graciously condescend to take the same under Your Royal Consideration; and he will then hope, with modest confidence in the beneficence of his Sovereign, for some provision from the Royal Hand, to prevent his family's feeling those hardships, (which, could they be confined to himself, would be more supportable to him,) that must otherwise attend them in his retreat:—Such a public mark of Your Majesty's favour will also remove dishonourable implications from him, and thereby restore tranquillity to his mind.

That Almighty God may preserve Your Majesty, and all Your Royal Family, in uninterrupted happiness, many, very many years, is the fervent desire of,

S I R E,

Your Majesty's

Most faithful servant,

And loyal subject,

JAMES SUTHERLAND.

D²

To

TO THE KING'S MOST EXCELLENT MAJESTY*.

S I R E,

A GAIN I humbly present myself before my Sovereign;—and while I most ardently rejoice at Your happy recovery, I as fervently implore that Providence, which has so lately bestowed the first of blessings on Your Majesty †, to support me, lest the constant uneasiness of mind under which I labour, from a sense of the injuries that I have sustained, the neglect with which I have been so long, and am yet treated, by Administration, (notwithstanding that, within a few months past, I have written a respectful letter to the Minister, regarding my situation,) and the augmented, but still accumulating misfortunes, that are overwhelming myself and my family, may drive me to distraction.

Let me then, Sire, be permitted, with great duty, to entreat Your Majesty, that either the justice or the favour, which I have heretofore supplicated at Your Royal Hands, may, at length, be graciously extended to me.

That God may bless and preserve Your Majesty, the Queen, and Your Royal Progeny, is the earnest wish of,

S I R E,

Your Majesty's

Most faithful subject

And servant,

JAMES SUTHERLAND,

Late Judge of the Admiralty at Minorca; now dwelling
at Lower Ebford, near Topsham, Devonshire.

* I put the Original into the King's hand, at Weymouth, on Saturday, the 25th July, 1789.

† The restoration of his senses.

* * The letter alluded to in the foregoing supplication, is one that I wrote to Mr. Pitt, on the fifteenth of March preceding, wherein I enclosed a petition to the House of Commons, and solicited his good offices with the King regarding it.

After

After stating my services, nearly in the words of that afterwards sent to the Treasury, the petition concluded thus:

" That the Petitioner has been several years out of His Majesty's employment, and in the decline of life; has already tried such means of acquiring a maintenance, for himself and his family, as he thought were the most eligible; but, unhappily, those means, instead of answering his hopes, have completed his ruin. — That on the Petitioner's having been exchanged as a prisoner of war, General Murray, in consequence of Lord Weymouth's letter before-mentioned, paid him his own and his son's extra-expences, until their arrival at Nice; but as that letter did not authorize the General to do more, the Petitioner did not apply to him for any thing in consideration of his heavy expences, during his and his son's detention, and his indisposition in France, or for what he paid the persons who did the business of his office for him, from the time of his capture. And as those expences and disbursements were incurred in consequence of very essential services he had done his country, he humbly presumes that he has a fair claim on it, *at least*, for payment thereof; and as, from particular circumstances, he has not hitherto obtained such payment.

" Your humble Petitioner, therefore, throws himself upon this honourable House, in hopes that you will grant him such relief, as in your great wisdom and justice shall seem meet."

"* As I did not hear any thing from Mr. Pitt, in consequence of my aforesaid letter, I went to London, and, on the 6th of April, left my card with his porter. — On the eighth I returned to Downing-street, and had a conversation with his private Secretary, Mr. Smith, in which I requested the favour of being told what the Minister's pleasure was regarding it, and the petition enclosed in it.

Mr. Smith said, that if any thing was to be done for me, *he* thought the Treasury would be the properest place to apply to. I told him, that although my inclination led me to prefer the application to Parliament, yet, if it was Mr Pitt's desire that I should go to the Treasury, I would be obedient, but that I wanted to know *the Minister's pleasure to a certainty*, and would not proceed, either way, without that knowledge; and I requested, that if he could not then communicate Mr. Pitt's sentiments

iments to me, that he would do me the favour to make him acquainted with that conversation, and to allow me to return in a few days, for the information I so earnestly pressed for.

Mr. Smith told me, I might return in about ten days; and that, in the mean time, he would endeavour to be able to give me that information; and he recommended that I should then bring a petition with me, addressed to the Treasury.

Desirous to establish, incontrovertibly, the fact, that I would not apply to the Treasury, *unless I was to consider that application to be sanctioned by Mr. Pitt*; instead of returning to Mr. Smith about the time appointed, I preferred writing him a letter on the 17th, from which the following is extracted:—"Sir, agreeable to your desire, when I had the honour of seeing you, I have framed the enclosed petition to the Treasury.—I have therein explained my hopes at the hands of Administration. In the petition to Parliament, from the words, "*at least*," I made it comprehensible that something was implied. I would have asked the favour of you, Sir, to have communicated *that something* to Mr. Pitt, to be such as I have now explained, in case it should have been his pleasure that the last-mentioned petition should have been made use of; *whichever of those modes of application may be honoured with his approbation, I will bow, submissive, to his will.*"

Shortly after this, I waited on Mr. Smith again, who, immediately, (as if in a hurry,) desired me to carry my petition to the Treasury. I requested him to give it me for that purpose; he told me, that as he could not directly lay his hand on it, I had better to make another copy.—He bowed, and we parted.

What was I to augur from this short scene?

Confident that it could bear no other interpretation, (after what had passed on the former one, and on considering what I had written to him) than that, although he did not express it, he was authorized by Mr. Pitt, to desire me to carry my petition to the Treasury; and that this direction naturally implied protection. I left the following petition at the Treasury.

TO

TO THE RIGHT HONORABLE THE LORDS OF
HIS MAJESTY'S TREASURY.

The Humble Petition of JAMES SUTHERLAND, Esq; His
Majesty's last Judge of the Vice Admiralty Court of
Minorca,

MOST HUMBLY SHEWETH,

THAT when the French were first fitting out the Squadron at Toulon, with which
Count D'Estaing sailed the first time to America, the Honorable General
Murray, then Lieutenant Governor of that island, anxious to ascertain the intent of
that armament, applied to the Petitioner, to engage Mr. Andrew Soyris to go to
France, to procure intelligence; who, being extremely averse to the business, would
not have undertaken it for the General; but having been long employed about the
Petitioner's office, and owing him other obligations that were binding on him, he en-
gaged to perform it, and did so, effectually.

That this transaction, and the part which the Petitioner had in it, having unluckily
transpired, he was thereby involved in calamity and misfortune, as hereinafter
mentioned.

That shortly after Mr. Soyris had returned to Minorca, the Petitioner had occasion
to come to England, and finding that British subjects were allowed to travel in
France unmolested, he took that route; and, during his journey, was very assiduous
to discover the intentions of the French against Great Britain, and having succeeded
beyond his most sanguine expectations at Paris, he travelled rapidly, night and day,
from thence, and had the happiness not only of being the first person who gave Admi-
nistration intelligence of the sailing of the French fleet from thence, when they were
encountered by the late Lord Keppel; but of informing them what orders the French
Admiral had, regarding the operations of his fleet, the exact force of which it con-
sisted; and what the intentions of the French Ministry were, on other interesting
objects.

That

That the Petitioner on preparing to return to Minorca, was directed to proceed with dispatches from Government, by the way of Germany, instead of going through France; and he was furnished with a Letter from Lord Weymouth, then one of His Majesty's Secretaries of State, directing General Murray to pay him the difference of expence, that he should thereby incur. And he accordingly proceeded to Nice, where a Savoyard vessel was hired by our consul purposely to carry him to Minorca, on board of which he was taken by the French, in violation of those principles which France had, with much parade, professed regarding neutral colours.

That the officer who boarded that vessel, brought a paper in his hand, containing a most minute description of the Petitioner, who soon learned, that it had been in agitation to have taken him up when at Paris; and that Mons. De Sartine, then Minister of the marine, had been so attentive to his motions afterwards, that he had stationed different cruizers, near Leghorn, Genoa, and Nice; the commanders of which, had orders, not to allow any colours whatever to protect him.

That the Petitioner and one of his sons, who had travelled with him from England, were sent to Toulon, and from thence to Aix, where they remained near a month prisoners on parole, and then he was put into close confinement as a prisoner of state, in Fort St. Nicholas, at Marseilles, to which place his son was allowed to accompany him. And on the second day of his confinement there, he felt the menace of an apoplexy; from which he was relieved by being bled in the critical moment: but from that hour, he became, and continues to be so still, subject to convulsive, hysteric fits, and to nervous and spasmodic complaints; and at length he became so extremely emaciated, and his mental faculties were so impaired, that the commandant of the Fort allowed a physician and two surgeons to hold a consultation about him; and the result of their deliberations having been sent to Monsieur De Sartine, that Minister gave orders that he should be allowed to return to Aix again, prisoner upon parole: this absolutely saved his life.

That the Petitioner was upwards of twenty years in the King's service,—first as Judge of the Vice Admiralty Court at Gibraltar, and afterwards at Minorca; and discharged his duty with honour and integrity; of which, among other testimonials existing in Lord Sydney's office, are minutes of a transaction between a Danish Commodore and the Petitioner, who declined receiving so large a fee as *one hundred and eighty pounds*, to which he was entitled, in order to make proper impressions on His Danish Majesty's Ministers, of his delicacy in office; and of our national justice and character.

character. And the Petitioner is proud, that notwithstanding the great number of captures which he condemned during the late war, **NOT ONE APPEAL** was brought from any of his sentences, so much were they respected, by the subjects of all the maritime powers.

That the Petitioner has been several years out of His Majesty's service; and having been rendered, by his sufferings in a French prison as before mentioned, unequal to much exertion of the mental faculties, and the use of his pen, he has, in the decline of life, tried such other means of contributing to the maintenance of his family, as he thought the most eligible; but, unhappily, those means, instead of answering his hopes, have had a far different effect.

That on the Petitioner's having been exchanged as a prisoner of war, General Murray, in consequence of Lord Weymouth's letter, paid him his own and his son's extra-expences, until their arrival at Nice: But as the General was not authorised to do more, the Petitioner did not apply to him for any thing on account of their heavy expences during their detention, and his indisposition in France, or for what he paid the persons who did the business of his office for him, from the time of his capture. And he most humbly begs leave to submit, that the *one* particular service rendered by Mr. Soyris, (and in which the Petitioner was also instrumental) as before mentioned, who did not suffer in the least thereby, and who had also received a pecuniary gratification at the time of doing it, having been thought deserving of a pension, under an Administration consisting of most of the Members of the present Cabinet Ministers, in consequence of his having stated his claim thereto, to Lord Sydney; the Petitioner did not mean to arrogate, when he addressed a memorial to his Lordship on the fifth of June, 1784; and in entertaining hope, that not only a remuneration of the expences and disbursements aforesaid would have been made him, but also that a pension, proportioned to the different situations in life, between him and Mr. Soyris, as well as to the much more eminent services that the Petitioner had done his country, and to the calamities thereby entailed on him, would have been granted him by Government, from the period that Mr. Soyris obtained his. The more so, as that Administration had, with justice and liberality, made a pecuniary allowance to several officers of the Garrison of Minorca, that had been detained as hostages by the Spaniards; and had moreover granted pensions to different persons, not regularly in the King's service, who had served during the siege of St. Philip's Castle; to one of which persons, (a Corsican) the pension assigned was, as the Petitioner is informed, ten shillings a day.

E

That

That the Petitioner not having obtained any communication of the King's pleasure, regarding either of those objects, through Lord Sydney, (to whom nothing inconsistent with respect is meant by introducing his Lordship's name,) begs leave, with great deference, to suggest to your Lordships his claim to both.

The Petitioner, therefore, most humbly prays your Lordships to take his case under your consideration, and to grant him such relief, as in your great wisdom and justice you may think proper.

And the Petitioner shall pray, &c. &c. &c.

JAMES SUTHERLAND.

•• On the fifteenth of May, I got access to Mr. Rose at the Treasury, who assured me, *that he would take care of my petition, and that I should hear from him.* I desired leave to return to him again. He then repeated, *that he would take care of my petition, and that I should hear from him.* I waited until the twenty-seventh, and then reminded him by letter of that promise: and, as this did not produce any thing, I wrote to him again on the tenth of June, telling him, that as I was obliged to leave town that day, I requested, whenever he should let me hear from him, *agreeable to his promise*, he would be so good as to direct to me at my late residence in Devonshire; yet I never heard from him, nor have I received any *official* information of what had been the fate of that petition; notwithstanding that the day before that, on which I wrote my last-mentioned letter to Mr. Rose, I was privately informed, by a person who had made himself master of the fact, that the Treasury Board had put a negative on my pretensions.

TO THE KING'S MOST EXCELLENT MAJESTY*.

S I R E,

TOTTERING under the weight of the severest troubles, and trembling, not for myself, but for my family; at the dismal certainty, that at Michaelmas, when, by a late agreement, founded on necessity, I am to give up my farm, I shall

* Presented at Windsor, the 22d August, 1790.

be much in debt; and (should I then be alive, *which I do not wish for*, and hardly expect; as the convulsions in my head become more violent daily: and on Friday last, being seized with one of them, I staggered at the door of a stranger's house near London-Wall, where water, and other assistance, at length brought me back to distracting anxiety.) Without any home to bring my wife and daughters to, who, for months past, have lived at a relation's; my hearing almost gone; and my sight decaying fast: I came to town for a week, and have come to Windsor for a day, to seek an opportunity of laying myself and my sorrows at Your Majesty's feet.

Since presenting my humble supplication to Your Majesty at Weymouth, I wrote another letter to the Right Honourable Mr. Pitt, which I meant should have been a most submissive one. If, unhappily, any expression in that letter can be thought not sufficiently so, I do most solemnly declare, that my sentiments are most dutiful to Your Majesty, and perfectly respectful to the Minister.

In this predicament, I humbly intreat to be permitted, Sire, to petition Your Majesty, to forgive every indiscretion of the pen, which the impulse of temporary agitation on a troubled mind, and convulsed nerves, may have led me into †: And then to supplicate, with extreme reverence, that Your Royal Favour may be graciously and speedily extended to my family, if not to myself:—That when I shall be no more, they, and particularly my daughters, (who, from the honourable and lucrative situation I once held in Your Majesty's service, were brought up in a way that makes their distress heavier, by their having had brighter prospects held up to them,) may gratefully contemplate those blessings of health and happiness, which I most fervently implore the God of Mercy to continue to Your Majesty all your life.

S I R E,

Your Majesty's

Most zealous subject,

And Faithful servant,

JAMES SUTHERLAND.

•• The letter to Mr. Pitt, alluded to in this address, was written in terms of great respect, and dated the 3d December, 1789.—What I have already stated regarding

† This alludes to my having formerly laid my case before the Public, (prefaced by a letter to Mr. Pitt) as far as events had occurred at the time of publication.

Mr. Smith and Mr. Rose, is contained in it. I also indicated, that my having gone to town, and being detained there to follow up my solicitation, had been very expensive. That a farm which I then rented had been much neglected during my absence from it, whereby I had sustained a considerable loss. That had my letter of the 15th of March procured me information, that I had nothing to expect through him, those evils would have been avoided. And I entreated, in as pathetic a manner as I possibly could, that he would, with a generous mind and a feeling heart, consider my situation. What follows is the conclusion of that letter:—" Although I
 " am far from desiring to take a retrospect of any measures that had been adopted
 " regarding General Murray, prejudicial to me, and which my too quick sensibility
 " hurried me to resent, in a way that I am sorry for*: Yet I will beg leave to point
 " out one circumstance, argumentative of my ill luck, and of my moderation at first;
 " and that is, that when I had heard it reported that the General was soliciting *the*
 " King, for pecuniary remuneration, on account of the verdict which I had obtained
 " against him; and that to induce His Majesty to favour him, he had aspersed my
 " character, I ventured to write to Lord C——d, intimating, that however ill-
 " founded the General's claim was, still I had no wish to thwart any measure that
 " Administration might choose to adopt about him, if done in a manner that should
 " not affect my reputation. I was led to apply to that Nobleman, (whom I must
 " ever hold in the highest estimation,) in hopes that from his connexion with you, Sir,
 " and as I formerly had the honour, through the late Sir R—d L—t—n, of being
 " acquainted with him, and had received favours and countenance from him, I might,
 " through his channel, get my statement of things communicated to you. His
 " Lordship wrote me a note, acquainting me, that he had spoken to the Secretary of
 " State, which was all that he could do. Not holding a *mere report* of the General's
 " application to be sufficient ground for my taking any other measure, I con-
 " tented myself with presenting a memorial to Lord Sydney, to be laid before the
 " King, stating my pretensions to His Majesty's favour and munificence. Had that
 " Memorial *been discountenanced* at the Secretary of State's office, I should have
 " concluded, that what I had heard of the General's application was true; and I would
 " then have held myself authorised to have sent to you the minutes, which I had
 " before transmitted to Lord C——d; and I am disposed to flatter myself, that had
 " I done so, it would have prevented all the mischief, and the expence of *about a*
 " *thousand pounds* that were brought on me, from the construction which I had put
 " on the *favourable* reception which that memorial met with; and the measures I
 " adopted, on finding, *when it was too late*, that the hopes I had formed on such
 " reception had been delusive and destructive."

* Alluding to my former publication before mentioned.

Lower Ebford, near Topsham, 6th September, 1790.

S I R,

The copy of the supplication * to His Majesty, which accompanies this, will shew that I shall be driven from hence on the twenty-ninth instant, to go—God only knows where.

I beg leave to repeat to *yourself*, Sir, every sentiment therein expressed *to the King* †, and to make *to you, personally*, the same petition and supplication that I have done to His Majesty.

I have the honour to be, very respectfully, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

London, 26th December, 1790.

S I R,

My necessities must be my excuse for the intrusion of this letter, with the enclosed copy of a petition which I intend presenting to the House of Commons, as soon after the holidays as I shall find practicable. I mean to go out of town for three or four weeks, and shall return to my present lodgings. My family are quartered on a relation of my wife. It is not my intention to distribute any copies of the petition till my return.

In framing it, I have endeavoured to avoid every possible tendency of offence; as I have not a wish but to be most respectful to Administration. With that view, I have adopted the very words with which General Murray's petition concluded, for the conclusion of mine. Would to God, I could prevail on you, Sir, to use your good offices with His Majesty in my favour!—I had great hopes that my letter to you, covering a copy of my last supplication presented to the King, would have had that effect. How thankful would I be to Providence, and to you, Sir, if that hope could yet be verified! and that I might have the happiness to subscribe myself with as much gratitude, as I now have the honour of doing with respect, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

* That presented to the King on the 22d August.

† This I meant to allude particularly to the letter addressed to Mr. Pitt, prefatory to my former publication.

London

London, 3d March, 1791.

S I R,

I have learned, with infinite satisfaction, from Mr. Sawbridge, that he withheld a petition that I delivered him to present to the House of Commons, because you told him on Monday, that you would enquire into the nature of my pretensions; and that if they were well-founded, you would on a future day, recommend it in His Majesty's name, to the consideration of the House.

Allow me, Sir, with a heart overflowing with gratitude for this consolation, to thank you for it most fervently. And then to entreat you to peruse the enclosed draught of a petition, in which I have *amplified* those hopes of favor which were but *implied* in that given to Mr. Sawbridge.

Your generous protection of it, Sir, by recommending it in the King's name, will do me such honor, as will restore tranquillity to my troubled mind; and the provision that I now flatter myself your goodness may suggest to be made for the support of myself, and my family, by relieving us from such distress *as has long made me wish for annihilation*, will render life desirable, to pray for blessings on His Majesty, and you, Sir.—

I have the honor to be,

With infinite respect, &c.

JAMES SUTHERLAND.

No. 6, Salisbury-Court, Fleet-Street.

The Right Hon. William Pitt.

* * * A few days after the date of this letter, I went to Downing-street, to try to get access to Mr. Pitt; and, on being told that he was not at home, I left my name on a card. I returned thither in about a week; was again told that he was not at home; and I left a card with my name on it a second time. I went a third time, on the twenty-fifth; when finding it impossible to get at Mr. Pitt, I enquired for Mr. Smith, who saw me, and told me, that if I would send him a copy of my petition, and return in a week after, he would let me know Mr. Pitt's determination regarding it. I therefore sent him a copy that evening. On the second of April I returned to Mr. Smith; and he assured me that Mr. Pitt had been so extremely occupied by the pressure of public business, that no opportunity had offered of mentioning me to him; but that he would be mindful of me the first time he should find him at leisure. I went again to Mr. Smith, on the fourteenth; and received the same answer, and the same promise.

Having

Having on the nineteenth had a more severe convulsive attack, than any I had been troubled with since the time of my having been a state prisoner in France, I was induced to write to Mr. Pitt again.

No. 20, Devereux-court, Temple, 23d April, 1791.

S I R,

Having such expectations as are given me, that you will take my case under your consideration; I would not molest you, Sir, with any entreaty to do so speedily, if I had not on Tuesday had a convulsion of a most alarming nature.

But my apprehensions for what may be the fate of *two daughters*, in case of another convulsive attack, before the objects of my solicitation are adjusted, will, I hope, plead my excuse, with a Minister, whose sensibility and philanthropy have been so conspicuous in the debate on the Slave Trade. I beg leave to urge another apology, and that is, that from the ——* of an attorney, I am exposed to be overwhelmed next term; as he knows, too well, that the state of my finances will not enable me to face those claims, which he would not otherwise dare to pursue.

I have the honour to be,

Most respectfully, &c.

JAMES SUTHERLAND.

Right Hon. William Pitt.

* As I did not hear any thing in consequence of the foregoing letter; I went to Mr. Smith again, on the second of May, and he told me, that as Mr. Pitt had been out of town all the preceding week, he could not have spoken to him about me; but would certainly do so as soon as he could. I returned on the seventh; Mr. Smith could not see me, but sent me word, that Mr. Pitt had been so busy, that he could not find an opportunity of mentioning my affair.

At length I wrote the following letter to him.

Friday Evening, 20th May, 1791.

S I R,

As the situation of my health and mind will not allow me to wait on you again, I must beg the favour of you to return me the copy of my petition to Parliament, which

* The epithet that was in the original, is omitted here.—The Attorney alluded to does not reside an hundred miles from E———.

I sent

I sent you on the 25th March, in consequence of your having that day told me, that if I did so, and would return to you in about a week, I should know Mr. Pitt's determination on it.

And I must also beg the favour of you, that if you shall have any communication to give me, it may be addressed to me, according to the direction that I have put under my name.

In making this application, I mean nothing disrespectful to Mr. Pitt, or uncivil to you.

I have the honour to remain, &c.

JAMES SUTHERLAND,
No. 20, Devereux-court, Temple,

Joseph Smith, Esq;

Mr. Steele, the Joint Paymaster, had told me that afternoon, in the lobby of the House of Commons, the resolution that the Minister had come to on my business. But not holding myself at liberty to make use of *his* name, I wrote the foregoing letter to Mr. Smith, in hopes of obtaining an answer thereto, so that I might have an ostensible authority for stating Mr. Pitt's determination.—But it has been my fate *never* to have been able to get access to the Minister, or even to draw one line from himself, or from either of the Gentlemen that have been his private Secretaries. On the Saturday evening, I therefore wrote to Mr. Steele, stating my embarrassment regarding the want of such ostensible authority. On the twenty-fifth I received an answer from him, (he had been out of town part of the intermediate time,) from which I have extracted what follows:—"You are perfectly at liberty to make use of my name on the occasion, and to quote me as having informed you, that on the perusal of your memorial, Mr. Pitt was of opinion, that it could not, with propriety, be submitted to the consideration of Parliament; and that he did not think himself at liberty to signify His Majesty's consent for that purpose."

No. 20, Devereux Court, Temple, 26th May, 1791.

S I R,

In consequence of Mr. Steele's having intimated to me, *that you were of opinion that my Petition could not with propriety be submitted to Parliament, and that you did*

not

not think yourself at liberty to signify His Majesty's consent for that purpose. I have held it necessary to make a small alteration near the conclusion of it; and I have the honor to enclose a copy, such as the original will be, when Mr. Alderman Sawbridge shall, on Monday next, move for leave to present it. I have also the honor to subjoin a list of papers which Mr. Sawbridge has authorized me to say, he will to-morrow, move for the production of. Among them is a memorial which I addressed to Lord Sydney, on the fifth of June, 1784. It may not have come to your knowledge, Sir, that after therein stating my solicitation for a pension, I added the following words, viz. "Or any Office to which his poor abilities are equal." * I had suggested to Mr. Nepean, that as the late Mr. Birkbeck, then Consul at Nice, was very old and infirm, I would have been glad to have had the reversion of that employment. Allow me, Sir, to say, that, *with all my infirmities*, I still think I may be equal to such an office as this. And that, far from wishing to eat the bread of idleness, as a drone to my country, I should hold myself fortunate, in case of a pension being granted me, according to the prayer of my petition, should it be stipulated to terminate upon my being appointed Consul to any of the European States, with a proper salary; or upon my being named to any decent employment in England; that, *such as I feel myself to be*, I would venture on, without apprehension of being afterwards dismissed, on account of being unequal to the discharge of it.

I have the honour to remain,

With the greatest respect, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

LIST OF PAPERS.

A Letter from Mr. Sutherland, addressed "To His Excellency the Hon. ———
"Franklyn, Ambassador from America," dated "Fort St. Nicholas, Marseilles,
"10th Dec. 1778." and an inclosure therein, addressed "To Philip Stephens, Esq,"
Those two papers were produced to a Committee, on the 11th August, 1784.

Mr. Soyris's Memorial to the Secretary of State, under which he obtained a pension.

Mr. Sutherland's Memorial to Lord Sydney, in June 1784.

Letter from Mr. Sutherland, to the Right Hon. Mr. Pitt, 3d December, 1789.

* When I said this, my recollection did not serve me that on the 16th of August, 1784, I had sent him a copy of that memorial.

Account of Money paid by Government to Colonel Pringle, Major Hagar, and Captain Pringle, who had been detained as hostages by the Spaniards, for the return of Transports sent from Minorca.

Account of Money paid by Government to a Major or Captain Campbell, who had, under some pretext, been detained as an Hostage at the Havannah.

* * Mr. Sawbridge did not move for the production of those papers, because Mr. Pitt told him, on the 27th, that he would oppose the production of them: And he talked of my letter to him of the 3d December, 1789, as a *private* letter. He might as well have contended that *all* the letters written to him by me, were *private*! I was not able to reach the House of Commons till late in the evening of Monday, having had a slight convulsive fit in the afternoon.—The Door-keeper then gave me the following note.

“ Monday 5 o'clock.

“ Mr. Sawbridge, at the request of Mr. Pitt, who says his hurry has prevented his examining what has been laid before him, defers presenting the petition till Wednesday, and is gone home.”

Circumstances occurred, that did not afford Mr. Sawbridge an opportunity of doing any thing in my business until Friday:—He then read my petition to the House, and gave notice, that he would present it on the Monday following; but Mr. Pitt, having given him assurances on Monday, in a conference which they then had in the House, that my claims should be attended to at the Treasury; and that I might depend upon *dispatch*, and getting a *positive answer* regarding them; it was settled that I should apply to the Treasury, and that my petition should not be presented to the House.

In consequence of this I wrote to the Minister.

No. 20, Devereux Court, Temple, 10th June, 1790.

S I R,

Returning to renew my applications at the Treasury, I trust, considering every circumstance which has lately occurred, that I may rely on your protection there; and that, although it will be impossible, Sir, to give my case a dispatch, *adequate to my*

urgent

urgent necessities, your goodness will induce you to contribute every possible facilitation towards that desirable end. I cannot sufficiently express, how deep an impression your favour will make on my depressed heart, and mind; yet I am certain, that it will bind me to you in everlasting gratitude.

I have the honour to continue,

With the highest respect, &c.

JAMES SUTHERLAND.

Right Hon. William Pitt.

The same day I sent my petition to the Treasury, accompanied by the following letter.

No. 20, Devereux-court, Temple, 10th June, 1791.

S I R,

I have the honour to enclose you a petition, which, although addressed to the House of Commons, I am to request the favour of you to lay before the Lords of His Majesty's Treasury, as if it had been immediately addressed to their Lordships; because Mr. Alderman Sawbridge told me, that on Monday last, he had a conversation with the Right Honourable Mr. Pitt, in that house, on the subject of it. And that he had received assurances, that if I referred my case to the Treasury, it should be duly attended to, with dispatch.

That Petition, and the letter from me to Mr. Pitt, of which you will find a copy on the other side *, comprehend the objects of my solicitation; and therefore I humbly beg leave to submit both to their Lordships consideration, with the utmost deference.

I have the honour to be, respectfully, &c.

JAMES SUTHERLAND.

George Rose, Esq.

* The letter here alluded to, is the one dated the 26th May.—I did not send the List of Papers with the copy, which is subjoined to the original.

On the 16th I waited on Mr. Rose, and the next day wrote to the Minister again.

No. 20, Devereux-court, Temple, 17th June, 1791.

S I R,

Mr. Rose having informed me yesterday, that the papers which I lately sent him, will be laid before a board of Treasury on Tuesday next; but that he could not assure me that my affair would be determined on that day; I humbly beg your permission, Sir, to break in upon you, *for the last time*, to insinuate, that however for the sake of form, I have applied to the Treasury; it is to your liberality and benevolence, that I look for justice, favour, and *dispatch*.

Although nothing was done last term, in the suits I formerly mentioned, which, by the —* of an attorney, I am engaged in, because proceedings in the ensuing term, which begins *the twenty-fourth instant*, will bring matters equally forward to the next assizes for Devon; I am menaced that the trials shall *then* take place. I therefore have not any time to lose, in putting my present attorney in cash, to prepare for facing my adversaries; but, alas! I have not the means of doing so, *or even of subsisting longer*: since, from the 26th of December last, (the day on which I had the honour to enclose you a copy of my petition to Parliament,) to this hour, I have existed by selling every little thing of value that I had, and now have not any thing more to sell.

Let me then, Sir, implore you, by every thing you hold dear, *to preserve from the effects of despair*, a person, who, since he is driven to egotize, holds himself up, as a man of worth, and honour: who has never merited any thing from his King and country, so much as favour and reward;—who has ever been ready to prove this; and to remove wrong impressions, if any charge had been *openly* made against him; and he could have obtained the satisfaction of being called upon for a defence:—and, permit me to add, who has feelings, that, *were he not a father*, would have inclined him—*rather to have perished* than to be importunate—in *this language*.

I have the honour of being,

With the utmost respect, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

* I had deposited a sum of money in court, more than the worthy attorney had a right to. He might have tried the cause last assizes—he however did not; but said

* An Epithet is also omitted here.

he

he would do so at the next. As he has not accepted the money so deposited, I ought to be in readiness to meet his menace; for he is not obliged to give me notice of trial before the eighth; the assizes at E——r not beginning till the 22d of August. Yet, from the circumstance of my having made the deposit before mentioned, which indicated a determination to stand trial, he may think I have found assistance to enable me to do so; and therefore will not venture to proceed.—So true is the line, “ ’Tis “ conscience that makes cowards of us all.”

In the afternoon I received the following card.

“ Mr. Rose presents his compliments to Mr. Sutherland, and shall be glad to see “ him here, to-morrow morning, at half past eleven o’clock.

“ Treasury Chambers, June 17, 1791.”

I attended the appointment. Mr. Rose returned me the petition which I had sent him on the tenth;—told me, that as it was addressed to *the House of Commons*, it was necessary to alter the address; that if I did so, and sent him one that afternoon, (Saturday,) or on Monday morning, addressed to the Lords of the Treasury, I should get *immediate* dispatch—adding, that *he had spoken to Mr. Pitt about me.*

I altered my petition, got it copied, and wrote him the following letter in the afternoon :

No. 20, Devereux-court, Temple, 18th June, 1791.

S I R,

I have the honour to send you my petition, addressed to the Lords of the Treasury. Subjoined to my former letter to you of the tenth, was a copy of one that I had the honour of writing to Mr. Pitt, THE SAME DAY. It shewed that from the first, I should have been happy to have filled any decent office under Government; that I, with my infirmities, might have been thought fit for. And I beg leave to request, that it may be laid before their Lordships.

I have the honour to be respectfully, &c.

JAMES SUTHERLAND.

George Rose, Esq;

•• The words “ the same day,” which I have distinguished by small capitals in this letter, ought to have been on the 26th of May; *that* being the date of the letter of which I had sent Mr. Rose a copy.

On

On Wednesday the twenty-second, I went to Mr. Rose, who told me that my petition had been laid before the Board the preceding day; but that as it was not a common paper, but one that required some consideration; nothing had been determined upon it. I asked him when he would allow me to wait on him again? and he said, that I had better not to return till he should send for me!

TO THE RIGHT HONORABLE THE LORDS OF
HIS MAJESTY'S TREASURY.

The Humble Petition of JAMES SUTHERLAND, Esq; late
His Majesty's Judge of the Vice Admiralty Court of
Minorca,

MOST HUMBLY SHEWETH,

THAT when the French were fitting out the squadron at Toulon, with which Count D'Estaing failed the first time to America, the honourable General Murray, then Lieutenant-Governor of that island, anxious to ascertain whether the armament was intended against him, applied to the Petitioner to engage Mr. Andrew Soyris to go to France, to procure intelligence; who, being extremely averse to such a commission, would not have undertaken it for the General: but having been long employed about the Petitioner's office, and owing him obligations that were binding on him, he could not withstand *his* solicitation, and therefore engaged to perform it; and did so, effectually: and held his correspondence, while in France, not with the General, but with the Petitioner.

That Mr. Soyris not only received a pecuniary gratification from General Murray, but, since the capture of Minorca, he also obtained a pension from Government, in consideration of that single business, wherein the Petitioner had been so instrumental.

That this agency of the said Mr. Soyris, and the part which the Petitioner had in it, having transpired as soon as he had returned to Minorca, the Petitioner thereby became involved in calamity and misfortune, as hereafter mentioned. That shortly
after

after this, the Petitioner had occasion to come to England; and finding that British subjects were allowed to travel through France, unmolested, he took that route; and, during his journey, was very assiduous to discover the intentions of the French, against Great Britain; and, having succeeded beyond his most sanguine expectations at Paris, he travelled rapidly, night and day, from thence; and had the happiness, not only of giving Administration the first intelligence of the sailing of the fleet from Brest, when they were encountered by the late Lord Keppel, but he also informed them of the exact force of which it consisted, and what orders the French Admiral had, regarding the operations of it, as well as what the intentions of the French Ministry were on other objects; whereupon the noble Lord, who then presided at the Admiralty, had the goodness to assure the Petitioner, that his zeal, in His Majesty's service, merited the highest approbation.

That the Petitioner on preparing to return to Minorca, was directed to proceed with dispatches from Government, by the way of Germany, instead of going through France; being furnished with a Letter from Lord Weymouth, then one of His Majesty's Secretaries of State, directing General Murray to pay him the difference of expence, that he should thereby incur. And he accordingly proceeded to Nice, where he hired a Savoyard vessel, through the medium of our consul, purposely to carry him to Minorca, on board of which he was taken by the French, in violation of those principles which France had, with much parade, professed regarding neutral colours.

That the officer who boarded that vessel, brought a paper in his hand, containing a most minute description of the Petitioner, who soon learned, that it had been in contemplation to have taken him up when at Paris; and that Mons. De Sartine, then Minister of the marine, had been so attentive to his motions ever after, that he had stationed different cruizers, near Leghorn, Genoa, and Nice to intercept him; and had ordered the commanders not to allow any colours whatever to protect him.

That the Petitioner and one of his sons, who had travelled with him from England, were sent to Toulon, and from thence to Aix, where they remained near a month prisoners on parole, and then he was put into close confinement as a prisoner of state, in Fort St. Nicholas, at Marseilles, to which place his son was allowed to accompany him.

That on the second day of his confinement, he felt the menace of an apoplexy; from which he was relieved by being bled in the critical moment: but from that hour,

hour, he became subject to convulsive, hysteric fits, and to nervous and spasmodic complaints; which still affect him, and have rendered him incapable of a permanent, vigorous exertion of the mind; and of writing either plain, fast, or much at a time.

That at length he became so extremely emaciated, and his mental faculties were so impaired, that the commandant of the Fort allowed a physician and two surgeons to hold a consultation about him; and the result of their deliberations having been sent to Monsieur De Sartine, that Minister gave orders, that he should be allowed to return to Aix again, as a prisoner upon parole; which order arrived just in time to save his life.

That the Petitioner having been at length exchanged as a prisoner of war, General Murray, in consequence of Lord Weymouth's letter before mentioned, paid him his own and his son's extra-expences, until their arrival at Nice. But as the General was not authorised to do more, the Petitioner did not apply to him, for any thing on account of what he had paid the master of the Savoyard vessel, that had been hired to take him to Minorca, as before mentioned; or for his heavy expences during his detention, and severe indisposition in France; or for what he paid the persons who did the business of his office for him, from the time of his capture.

That as those expences and disbursements were incurred in consequence of the service that he had done his country, as before-mentioned, he humbly presumes, that he has a fair claim on it for reimbursement. And the Petitioner does not mean to arrogate, when he begs leave to suggest, that labouring under such infirmities, as he has described to have originated from his sufferings, in consequence of the services he rendered his country; he also humbly presumes, that he has pretensions to some decent provision being made for the support of himself, and his family, from the period that the aforesaid Mr. Soyris obtained a pension: And as, notwithstanding that during several years, and at an expence of many hundreds of pounds, he has solicited the attention of Government to both those objects, without obtaining any benefit whatever: And as he has been without emolument, from the time that he lost an honorable and lucrative office, by Minorca being taken by the Spaniards.

The Petitioner therefore most humbly prays your Lordships to take his case under your consideration; and to grant him such relief as in your great wisdom and justice you may think proper.

And the Petitioner shall pray, &c. &c. &c.]

JAMES SUTHERLAND.

No. 20, Devereux-court, Temple, 29th June, 1791.

S I R,

Although I do not molest you with any importunity in person, I am obliged to do so by letter. There are situations that force a man into actions contrary to his wishes; and such a one is mine at present; for my disposition, most assuredly, inclines me to wait for the pleasure of receiving your commands. To account for my not being able to do so, I would enclose you a copy of a letter that I had the honour of writing to His Majesty's Chancellor of the Exchequer, on the seventeenth instant, were I not persuaded, from circumstances, that you are not a stranger to its contents.

Under this idea, therefore, I beg leave to request, that you will do me the favour to present my most humble respects and supplications to him, that he will generously determine my fate, with the liberality attendant on a great mind. For the pressure of things with me are now extreme; and I have had a convulsive attack, at a friend's house in the country, which, though not much stronger than those that frequently make me stagger as I walk the streets, might have been fatal, if, in a fall which it occasioned, my head had happened, instead of my shoulder having done so, to have forced itself through a large thick pane in a glass door.

I have the honour to remain,

Respectfully, &c.

George Rose, Esq;

JAMES SUTHERLAND.

*. On Friday the eighth of July, I waited on Mr. Rose, who told me, that their Lordships had not yet come to any determination regarding my solicitation; and that its being dispatched depended on them, not him; and added, that there would be a Board that day. I gave him a copy of the letter which I had written to Mr. Pitt, on the seventeenth of June. On my return to my lodgings, I wrote the Minister the following letter, and dated it by mistake the *ninth* of July, instead of the *eighth*. The porter who carried it to Downing-street, brought me word, that Mr. Pitt was out of town, but that it would be sent to him the next morning.

No. 20, Devereux-court, Temple, 9th July, 1791.

S I R,

When I had the honour of writing to you on the seventeenth ultimo, I meant it for the last importunity that you should be molested with on my part. It would have been so, but for the following circumstance:

G

Mr.

Mr. Rose sent me a note that afternoon, desiring to see me at the Treasury the next morning:—when I waited on him, he returned me the petition that I had addressed to the House of Commons, and which I had sent him in an official letter, on the tenth, to be laid before the Lords of His Majesty's Treasury; and he told me, that if I would send him one addressed to their Lordships, either that afternoon or on Monday morning, it should get *immediate dispatch*; adding, that he had spoken to you, Sir, about my business.

Elated with hope, I sent him a petition that afternoon; and I borrowed a few guineas from a friend, who thought, with me, that this appearance of things was favourable.

The delay that has since occurred, makes me view matters, now, in a different light.—The distress of my situation, stated in my letter of the seventeenth, is heightened;—my mind is full of agony;—the expected disasters of *one week* may drive me from my country. I am desirous, in that case, to leave credentials behind me, of the hard necessity that bears me down.

In this tormenting situation, I beg you will forgive me, Sir, for intruding myself again; and allow me to entreat, as I most fervently do, that you will speedily determine my fate. It depends upon *your* generosity and justice.

I have the honor to remain,

With the greatest respect, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

••• Eighteenth July—I went to the Treasury, and sent my name on a card to Mr. Rose. The door-keeper immediately returned with a message from him, which I have stated in the following letter.

No. 20, Devereux-court, Temple, 19th July, 1791.

S I R,

Yesterday when I waited on you to solicit the dispatch of my business, I was informed by the Door-keeper, *that their Lordships had not yet come to any determination on my Petition; and that you would write to me.*

The

The last time that I had the pleasure of seeing you, (the eighth instant,) I left a copy of a letter with you, which I had written to His Majesty's Chancellor of the Exchequer, on the seventeenth of last month;—I wished to have had an opportunity yesterday of putting into your hand, a copy of another letter, which I have since had the honour of writing to him;—this copy I now enclose, with a short memorandum subjoined to it.

Allow me, Sir, to request, (however mortifying the exposure,) that you will do me the favour to lay *both* those copies before their Lordships, with the most humble, and most respectful petition on my part, that the circumstances stated in them, may plead my excuse, for being urgent to obtain their favourable decision.

In any other predicament, I should follow my inclination, to wait in silent deference their Lordship's pleasure; but, no longer master of myself—controlled by incidents;—I cannot avoid saying, that a few days will *certainly* put me in a situation, not to be benefited by any favour that may be intended me; if their Lordships goodness shall not lead them to direct, that such favour may be speedily signified to me. And therefore I shall be impatiently expecting your promised letter.

I have the honour to be,

Respectfully, &c.

JAMES SUTHERLAND.

George Rose, Esq;

*. The memorandum alluded to in the foregoing letter was as follows:—
Memorandum.—So far back as *the sixteenth August*, 1784, I sent Mr. Pitt a copy of my memorial to Lord Sydney, of the 5th of June preceding, stating my pretensions to the King's favour. And on the 17th April, 1789, I sent him a petition addressed to the Treasury, of a similar nature with that now before their Lordships; and a duplicate of it was a few days after sent to the board.

N. B. The reason I sent the foregoing memorandum to Mr. Rose, was, because he had, on the 22d of June as before mentioned, told me that my petition was not a common paper, but one that required some consideration. The memorandum shews the great length of time, (near seven years,) Mr. Pitt has had to make up his mind about my case.

No.

No. 20, Devereux-court, Temple, 22d July, 1791.

S I R,

Unable longer to bear the agonies of suspense; and having, from the first, intimated, *that no evil could arise to me that would be equal to delay*; I do myself the honour of waiting upon you, to solicit the favour of being informed of their Lordships determination on my petition to them.

If it is not in your power, Sir, to communicate it to me *now*, or I shall not have it signified to me *to-morrow*; I *must* give up hope and expectation. Yet I beg that this may be understood, (as it really is,) to be the language of desperation; not that of disrespect:—for I disclaim every idea of the latter.

And I have the honour to remain, with the same sentiments of deference which I have hitherto expressed to their Lordships, and yourself, &c.

JAMES SUTHERLAND.

George Rose, Esq;

* * I went with this letter in the morning of its date to the Treasury; and having written on the back of it that I was in attendance; Mr. Rose saw me, and told me that he had laid my petition before the Board *twice* when Mr. Pitt was present, who had not yet made up his mind about it; that he had shewn him my letter of the nineteenth. I begged of Mr. Rose to shew Mr. Pitt this letter also, and to let me hear from himself the next day. Mr. Rose assured me, that he would shew the letter to Mr. Pitt; but said, that he could not engage to write to me within any certain time; and could only promise that I should hear from him, as soon as any thing should be determined on. This language, and all that he had said to me since the 18th of June, having been so different from what past on that day, did not allow me to retain a doubt that I was to be again trifled with at the Treasury. I did not, however, express any idea of that kind to him; but repeated my wish to hear from him on Saturday, (being the next day,) and told him, that as I probably should not have the pleasure of seeing him again, I thanked him for the civility of having seen me so often. About noon I saw Mr. Pitt ride through the Park, towards the Treasury; so that Mr. Rose might have shewn him my letter that day. Not having heard from Mr. Rose on the Saturday, nor on the Monday following, on Tuesday I advertised this publication.

I had been alarmed by such repeated slight convulsive attacks more frequent than usual, as convinced me it would not be long before I should have a very

smart one.—This induced me to write the letter of the nineteenth to Mr. Rose. The circumstances of alarm still continued, and on the twenty-ninth, just as I had begun to copy this memorandum, I fell from my chair; the table that I was writing at was upset, and falling into the chimney before me, prevented my head from striking against a bath-stove. Some of the people of the house I lodge in, came into my room, and found me lying on the floor, almost senseless.—Drops were given me, and the lancet was applied.

After bleeding, I used to be pretty well for a fortnight or so; but this time bleeding had not that good effect. My head being almost incessantly giddy, I was obliged to be cupped yesterday; that operation has eased it a little, but not effectually.

The machine seems to be worn out, by anxiety, vexation, and disappointment. The Tree must fall!—I have not a wish to prop it, one hour, after the appearance of this publication. But I have a most ardent one, that in the next Session of Parliament, there may be a virtuous majority of the House of Commons, who shall think that I have fair claims on Government; and that I have a right to transfer them, as I hereby do, to my daughters, Mary, and Louisa Sutherland.

JAMES SUTHERLAND.

5th August, 1791.

A P P E N D I X.

N^o. I.

‘ Grecian Coffee-house, Temple, Friday Afternoon, 8th April, 1785.

‘ MY LORD,

‘ **T**HE Memorial and papers which accompany this letter, I intended to have presented to His Majesty after the Levee of to-day, had I not been informed, that as I am not a military man, I should have been irregular in attempting it then.— At the same time I was told, that there would not be a Drawing Room (and that was pointed out to me as the proper time for presenting the same to the King,) until Thursday after next.

‘ There are circumstances in my situation, as well as in the nature of the case, that urge me not to neglect any means of getting the Memorial submitted to the Royal consideration *as soon as possible*; and I am advised, that I am entitled to apply to Your Lordship, as His Majesty’s Secretary of State for the Home Department, on this occasion.

‘ I therefore humbly request, My Lord, that you will do me the favour to lay that Memorial, and the three papers to which it refers, before the King, *as soon as it shall be in your Lordship’s convenience to do so*.

‘ And as the right of the subject to petition the Crown is nugatory, if it does not imply that he may look for a communication of the Royal pleasure on the matter of his application; so, My Lord, I am led to solicit the good offices of the rest of His Majesty’s Cabinet Ministers, as I beg leave to do Your Lordship’s, that the Royal pleasure may, in due time, be communicated to me on this occasion; as it has been my misfortune not to have been able to obtain it on others, with which Your Lordship is so well acquainted.

‘ I have the honour to be, with the greatest respect,

‘ My Lord,

‘ Your Lordship’s most obedient,

‘ And most humble servant,

‘ The Right Hon. Lord Sydney.’

‘ JAMES SUTHERLAND.’

• It is amazing that under the circumstances stated in this letter, and in those written to the other Cabinet Ministers, General Murray’s second petition to the House of Commons, should on the twentieth, (but one day before I went to the King with my Memorial) have been presented, and recommended by the Chancellor of the Exchequer, in His Majesty’s Name, to the consideration of the House.—For, “*to advise for the King’s Honor, and good of the Public,*” is a part of the Oath of a Privy Counsellor!!!

* A

The

The following is a copy of a letter sent to each of the Cabinet Ministers, varying only according to their several titles.

N^o. II.

Grecian Coffee-house, Temple, Friday Evening, 8th April, 1785.

S I R,

I HUMBLY request your permission to acquaint you, as one of the Members of His Majesty's Cabinet Council, that I intended to have presented a Memorial to His Majesty, after the Levee of to-day, expressive, among other matters, of some grievances, that I, as an English subject, have sustained; had I not been informed, that as I am not a military man, I should have been irregular in attempting it then.

As I was also told, that there would not be a Drawing-Room until Thursday after next; and as there are circumstances in my situation, as well as in the nature of the case, that urged me not to neglect any means of getting the Memorial submitted to the Royal consideration, as soon as possible; and having been advised that I might apply to His Majesty's Secretary of State for the Home-Department, to lay it before the King; I have requested the favour of Lord Sydney to do so.

And as the right of the subject to petition the Crown, is nugatory, if it does not imply that he may look for a communication of the Royal pleasure on the matter of his application; and as it has been my misfortune not to have obtained it on former applications, intended for the Royal consideration, though not immediately addressed to the King; I am led to solicit, with every degree of reverence for His Majesty, that the good offices of his Cabinet Ministers, operating with the Royal wisdom and justice of the King, may, in due time, afford me a communication of His Majesty's pleasure upon the whole of my case, as prayed for in my said Memorial.

I shall be extremely mortified, Sir, if I am irregular in addressing you on this occasion; as I have not the least disposition to any intrusion, inconsistent with the great respect that is so much your due:—With the fullest sentiments of which respect,

I have the honor to be,

S I R,

Your most obedient, and

Most humble Servant,

JAMES SUTHERLAND.

The Right Honorable William Pitt.

N^o.

No. III.

' Grecian Coffee-house, Temple, 16th April, 1785.

' MY LORD,

' ON the 8th instant, I had the honor to send Your Lordship a Memorial and three papers, which I requested might be laid before the King, as soon as it should be in your Lordship's convenience to do so.

' May I then, My Lord, beg the favour, that Your Lordship will condescend to inform me, whether that has been done? and when?

' I have the honor to be, most respectfully,

' My Lord,

' Your Lordship's

' Most obedient, and

' Most humble Servant,

' JAMES SUTHERLAND.'

' The Right Honorable Lord Sydney.'

No. IV.

EXTRACT from, and conclusion of, an Affidavit made by JAMES SUTHERLAND, Junior, on the 12th of January, 1784; the first part of which Affidavit contains the detail of his journey from London, in company with his father, and Mr. William Whitelock, who was then established in trade at Mahon, to the time of their arrival at Nice, in October, 1778, viz.

' THAT as soon as his father saw His Majesty's Consul, he applied to know, whether, in consequence of a letter that he had previously written to him by post for that purpose, he had engaged any vessel to carry him to Minorca? The Consul (Mr. Birkbeck) told him he had not been able to do so; but assured him, that he had no doubt of finding one, in a day or two; on which his father expressed the utmost anxiety, and entreated that no means should be left untried to get one as soon as possible; indicating that his ideas were, that money should not be regarded on such occasions; which doctrine he had seen practised by his father, in more than one instance during their journey, when he apprehended that liberality would contribute to dispatch. That after several disappointments, the Vice Consul, on whom Mr. Birkbeck seemed to rely in this business, and whose assistance his father daily solicited, freighted a very

' small vessel under Savoyard colours, to carry him to Minorca; and they sailed in her
 ' from Nice, between one and two o'clock in the morning of the 16th of October; his
 ' father having taken the precaution to get the public dispatches that he was carrying to
 ' General Murray, made up by the Captain of an English ship a few hours before, in a
 ' bundle resembling pieces of old cordage; and whatever other papers that he had by
 ' him, in which Minorca was mentioned, were also made up by that Captain, in a bundle
 ' of spun yarn, and the vessel had all her dispatches made out for Majorca. That
 ' among other papers so intended to be concealed, was a letter from Mr. Birkbeck to
 ' General Murray, dated the 14th of October aforesaid; purporting, that he pitied
 ' this Deponent's father; for although he had moved (the letter says *removed*) heaven
 ' and earth to get a passage to Minorca, or even Majorca, he could not succeed till that
 ' day, when he had engaged to make the voyage *in a cockle-shell*.—Which expression,
 ' this deponent saith, did no more than justice to the constant anxiety that his father
 ' always shewed, and which he verily believes he really possessed, of getting to Minorca
 ' with the utmost dispatch: insomuch, that far from loitering at Nice, or in his way
 ' thither, he apparently made every exertion that man was capable of, to remove every
 ' difficulty that retarded his progress. And this Deponent further saith, that on the
 ' back of the letter before mentioned, Mr. Birkbeck wrote the following words to the
 ' General: " If you have at any time any material dispatches for England, you cannot
 ' meet with a more proper person than this Patron, if you make it worth his while to
 ' bring them hither, as he carries Sardinian colours." And this Deponent also saith,
 ' that about eight o'clock the same morning that they sailed from Nice, they were taken
 ' near the islands of St. Margairite, by an armed boat, belonging to one of three French
 ' xebecs, which lay at anchor within those islands, under the command of Le Chevalier
 ' de Montgrand; which boat being almost along-side of their vessel before his father was
 ' told of it, he had not time to destroy the dispatches for General Murray, if he had even
 ' thought it necessary to have done so: But his father, relying on the protection of
 ' neutral colours, which he had been informed at Nice, were so extremely respected by
 ' France, that her cruisers, whenever a neutral vessel was brought to by any of them,
 ' immediately set her at liberty upon the production of the usual ship's documents, and
 ' bills of lading, or charter parties, lay quietly, and seemingly unconcerned in his bed,
 ' not to create any suspicion that he had any thing to apprehend; and the two bundles
 ' of papers before mentioned, were thrown by the said William Whitelock upon the bal-
 ' last, at a great distance from each other, under sails and old cordage, so as not to attract
 ' any attention:—That as soon as they were boarded by that boat, the officer command-
 ' ing her, placed armed centinels at the cabin door, to confine his father; and holding
 ' a paper in his hand, which the Deponent afterwards found described their persons,
 ' he looked alternately at his father, and also at the said William Whitelock, and this
 ' Deponent,

Deponent, and at that paper; and some of his men having been sent into the hold to rummage it, they returned upon deck without having found either of the said two bundles of papers.—That his father was then ordered to get up, to go on board the Commodore's vessel; his trunks, round which he had put chains, as if they contained whatever he thought of consequence, having before been brought out of the hold; on which the search seemed to cease: But soon after that they had got there, their vessel being towed near the Commodore's, he went in person on board her, with instruments for turning up the ballast; and the search was renewed under his own eye, with such minuteness, that their, and the seamen's bedding, all the old sails, cordage, and every thing else, were brought upon deck, and looked into with a nicety, that too plainly argued, that some previous information had been given about them; and at last, both of the bundles of papers were found.—That after the Commodore had returned on board his own vessel, seeing his father prodigiously agitated and distressed, at the misfortune of the discovery of the papers, he very humanely read a paper describing his father's person, his own, and the said William Whitelock's; and in describing his father, the paper was so minute as to mention, *that he sometimes wore a round, or scratch wig*; on which his father observed to this Deponent, that from that circumstance, he was certain, some information regarding him had been originally sent to France from Minorca, as he had not any such wig with him, or had worn any such, since he left that island; and told him, that whenever they should get there, they would probably find the wig alluded to: and accordingly, when they afterwards got to Minorca, his father, without parting from him, led him into his dressing-room, where they found such wig.—That the Commodore also informed his father, that a description of their persons had been sent to the French cruizers, that were stationed near Leghorn and Genoa; and all of them had orders, as well as himself, to take him, let him be found on board of whatever neutral he might be; and his father having told the Commodore, that as he sailed from Genoa, he observed that three Dutch men of war were at anchor there; and asked him what would have been done, if he had been met at sea, on board one of them? He answered, *Nothing but force should have protected him.* And this Deponent saith, that the Commodore having sent them in one of the Xebecs to Toulon, they were from thence sent prisoners under a signed parole to Aix in Provence, and they remained there prisoners under such parole, until the twelfth of November following; when, at about three o'clock in the morning, his father was seized on, as a prisoner of state, and conveyed to Fort St. Nicholas, at Marseilles, whither this Deponent voluntarily accompanied him, and remained there, in confinement with him: That they were kept in close confinement until the nineteenth day of the same month, when they were permitted to take a little air, morning and evening,

evening, retired on the top of the castle, with the officer of the guard.—That the day after his father had been so imprisoned, he was menaced with a fit of the apoplexy; but the officer of the guard luckily being near, he called one of his soldiers, who bled him in the critical minute; and he from that time became frequently subject to hysteric fits, and suffered extremely both in body and mind; and at length he was so emaciated, that when he was allowed to take an airing, as before mentioned, he was sometimes obliged to put his hands under his thigh, to raise his leg, in ascending the steps leading to the top of the castle.—That on or about the ninth day of December following, the Commandant of the Fort having permitted a Physician, and two eminent Surgeons, to visit and hold a consultation about him, the result of their deliberations, (setting forth the extreme danger that he was in, not only as to his health, but also as to his mental faculties; and declaring, that to prevent the evils threatening each, it was absolutely necessary that he should use free exercise on horseback, and seek amusement, and dissipation;) having been sent to Monsieur de Sartine, orders arrived in the evening of the 21st from that Minister, to set him at liberty, to return to Aix on his parole, which was accordingly done the next day. And this Deponent saith, that between the time that such certificate was sent to Monsieur De Sartine, and the arrival of the order for his being released, it was suggested to his father, that an application to Dr. Franklin at Paris might be useful in obtaining his enlargement; and thereupon the Deponent, by his father's direction, did write him a letter, purposely calculated to get him to exert himself to serve him: notwithstanding which, the Deponent is persuaded, and positively believes, that his father would not, to save his life, have held any treasonable correspondence with Dr. Franklin, or with any other person whatever: being inviolably attached to his King and country; and totally disapproving of the opposition at that time made by the Americans to the Legislature of this country: and about the time that the Deponent wrote such letter, he having read in the *Courier de L'Europe*, that it was said the 25th and other regiments were ordered to hold themselves in readiness to embark for America; either his father wrote, or he himself by his father's direction, wrote to his brother, who was an officer in the twenty-fifth, requiring him by the duty and affection which he owed a father, who was so ill as not to expect to see him again, *to make no distinction between the enemies of his country, and to exert himself bravely against the Americans*; but when action should be over, and he could, consistent with honour do so, ever to be mindful of the claims of mercy and humanity; and always to avoid rapine and plunder.—And this Deponent lastly saith, that his father, at all times, and once most solemnly, while they were in prison, and he thought his dissolution approaching, recommended to him to hold the love of his King and country as near his heart, as he should the principles of his religion;—*Truth—and Honour.*

Blackheath, 11th August, 1784.

S I R,

I have this moment seen, with astonishment in a newspaper, that General Murray has petitioned Parliament upon the subject of the judgment I obtained against him, for the illegal suspension of me from the office that I lately held of Judge of the Admiralty at Minorca.

After certain explanations that lately took place, I held it impossible that he should wish to take any retrospect of his conduct regarding me; and my sense of honour told me, that, much as I had to gain by such retrospect being taken, I ought not to go into it:—But now that he has led the way, I will cheerfully, not only follow him, but go further.

My intention is, in the first place, to apply to Parliament for a copy of that petition, and to pray to be heard by counsel upon the subject matter of it.

I would not trouble you, Sir, with this information, if as the matter is a money business, I did not consider the application to you, as more proper than to any other of His Majesty's Ministers; and as applications to Parliament for relief in money matters, are not generally made before the pulse of Administration has been felt on the subject, I beg leave, not only to express my humblest hopes that Ministers will not contribute to accelerate the business before I am so heard in Parliament; but as a British subject, unconnected with party, without friends or protection, and that has not any Member of Parliament of his acquaintance that he can ask to present his Petition to the House of Commons against General Murray's (understanding it to be requisite that a Member should present it,) to apply also to your justice, and benevolence, to direct one of the Secretaries of the Treasury to introduce it to the House.

I humbly beg forgiveness, if there is any thing wrong in this application, proceeding from an anxious heart, and written in a hurry, by a trembling hand:—If there is, it does not correspond with the true sense I have of your exalted probity and merit, and the profound respect, with which I have the honour to be, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

London, 2th August, 1784.

S I R,

I beg that I may be forgiven for taking the liberty of enclosing you the Petition that I had the honor of acquainting you, in my letter of yesterday, I intended to present to parliament. I have too much reason to apprehend, that unless I can get it introduced into the House of Commons, through your justice and benignity, I cannot get it introduced at all; by which an injured British subject will be deprived of his natural and legal right, of not being condemned unheard, because he has not weight or connections, to enable him to go through a mere matter of form regarding the House of Commons:—I supplicate your justice and your humanity to consider this seriously †.

Far from ever wishing to have any of my transactions concealed, I not only called upon General Murray in the public prints to produce my letter to Dr. Franklin, which he did not dare to do*; but I applied to Mr. Fox, when Secretary of State, requesting

† * A paragraph follows this in the original, which, as it regards a Member of a former administration, and is not necessary to be inserted, is therefore omitted here.)

* Extract of part of a letter from me, addressed to General Murray, in Parker's General Advertiser of the 7th Nov. 1782.

I do not mean to bestow any epithet on your having suspended me from my office, since the laws of my country, thank God, have at last put it into my power to lead that matter into a channel of investigation; and the verdict of an English Jury in the action I have brought against you, will, at the same time, put a stamp upon that act, and my character; so far as comes within the compass of what you may choose to alledge against me: But as there is one thing, which, though it has been made use of to wound me secretly, I fear you will not bring forth into light at the trial: that apprehension has led me thus to address you. Your perception, I am confident, anticipates my explaining that I mean the letter, which, while I was a state prisoner to France, in Fort St. Nicholas at Marseilles, in consequence of services

‘ requesting to have a copy of that letter, in order to its being laid before the King,
 ‘ with my explanations regarding it; and could that have been done, His Majesty’s
 ‘ justice could not have criminated me on the subject :---If there is any thing wrong
 ‘ in it, I still wish to be brought to trial, and punishment for it.

‘ The letter not being to be found in Mr. Fox’s office, Mr. Aust was sent by him
 ‘ to Lord North’s, to enquire after it there: And that Gentleman assured me, that no
 ‘ such letter was to be found in Lord North’s office!

‘ At last I prevailed on a friend, on the 11th of March last, to wait on General
 ‘ Murray, to demand, as a man of honour should do, explanations on certain points
 ‘ of his accusations against me, (which accusations have ever been concealed in the
 ‘ Secretary of State’s office, so far as to deprive me of a copy of them) and particularly
 ‘ regarding that letter to Dr. Franklin; which was written when I was a state
 ‘ prisoner in France, for services I had done my country: and it was written, not
 ‘ when I was first taken up; but at the time, that, after a long imprisonment, I
 ‘ was near expiring. And the General did declare to my friend that he did not
 ‘ mean to convey any idea that I had held any correspondence of a criminal nature;
 ‘ and admitted that the particular circumstances, and situation, which occasioned
 ‘ my said letter to Dr. Franklin, rendered it justifiable: and also declared, that
 ‘ he never meant to convey, or did convey, any idea of criminality in me on the
 ‘ subject.

‘ *Of this declaration, I can give evidence in the House of Commons.*

‘ For God’s sake then, Sir, and for the honour of His Majesty’s government, let
 ‘ not a stamp of infamy be put on my character unheard; as will be the case, if the
 ‘ General’s

‘ that I had rendered my King and country, I sent to Dr. Franklin at Paris, at the time
 ‘ that I was reduced to the last extremity; enclosing a copy of a certificate signed by a
 ‘ Physician and two Surgeons, shewing the dangerous state of my health and mental
 ‘ faculties; and, though not acquainted with him, soliciting him to feel for my suffer-
 ‘ ings, and use his interest to get me released; as I alledged, that I had not done any
 ‘ thing regarding France that was inconsistent with the laws of nations: so that she,
 ‘ consequently, was not authorised by those laws in keeping me a prisoner. I therefore
 ‘ call upon you to lay a copy of that letter, and every thing you may have asserted to
 ‘ criminate me as the author of it, before the public.

General's petition passes in the House in the manner that has been attempted at this period of the Session,—*I wish it fairly to be heard, and to have it investigated in a full House*†.

I have the honour to be, &c.

JAMES SUTHERLAND.

The Right Hon. William Pitt.

No. VII.

Blackheath, 16th August, 1784.

S I R,

A third letter from me, is a thing that I would not by any means presume to address to you, if the petition to the House of Commons, which I enclosed in my second letter, did not contain those words, viz. "That your Petitioner observes by the votes;" in the introductory part of it.

That introduction proceeded from the knowledge that the Gentleman who reduced my petition into the usual form, had of the votes.—I had not at that time seen them.

The object nearest my heart, in presenting the Memorial to Lord Sydney, of which I now have the honour to enclose you a copy, *was to acquire a knowledge of what the King's sentiments were of me.*

On the 21st of last month, I was assured from authority at his Lordship's Office, that a letter would that day be sent from thence to the Treasury, accompanied with such part of my memorial, as related to that department; and that the other parts of it would be taken into serious consideration as soon as possible.

† * * I left this letter myself, (as I had done the preceding one) with Mr. Pitt's porter, on being told that that Minister was not at home: and I returned to enquire for him again, in about an hour; when receiving the same answer, I left my name on a card, indicating that I should wait his commands at the Parliament-street Coffee-house, until it would be time for me to go to the House of Commons.—All this produced nothing from Mr. Pitt!

Relying

‘ Relying on this assurance, and not wishing impertinently to press Administration about myself, when I knew they had so many matters of extreme moment to take up their attention, I remained quiet and easy in my mind; never suspecting that without further notice being taken of my memorial, it was possible, that the King should command you, to acquaint the House of Commons, (as I have since seen by the votes,) that His Majesty having been informed of the contents of General Murray’s petition, recommended it to the consideration of the House.

[A few lines that are in the original are omitted here, as they regard two Members of a former Administration, and are immaterial.]

‘ With every sentiment of deference and great consideration,

‘ I have the honour to be, &c.

‘ JAMES SUTHERLAND.’

‘ The Right Hon. William Pitt.’

N^o. VIII.

‘ Blackheath, 3d September, 1784.

‘ MY LORD,

‘ To enable me to frame an humble remonstrance to the King; dutiful, respectful, and humble in reality with respect to His Majesty; to maintain whose rights against faction, enthusiasts, republicans, and every opposer of his legal Prerogative, I shall ever be as ready to raise my arm, as my father did his, in support of the crown in the year 1715 †; but as firm, and strong with regard to those by whom I have been injured, as the opinion of the counsel, to whose inspection it will be submitted, shall think justifiable, on the subject of my grievances to be particularly stated therein: I find it necessary to solicit your Lordship to direct, that I may be furnished with copies of every paper that is mentioned in the schedule hereunto annexed.

‘ I have the honour to be, &c.

‘ JAMES SUTHERLAND.’

‘ The Right Honorable Lord Sydney.’

† * * These expressions proceeded from something that had appeared in the newspapers in the name of L—d G——e G——n about this time.

‘ Schedule of papers alluded to in the letter on the other side.

‘ Copy of General Murray’s instructions as Governor of Minorca;—Copy of a letter written by General Murray to Lord Weymouth in May 1777, covering two memorials regarding me;—Copies of every letter written by General Murray to Lord Hillsborough, assigning his reasons for suspending me, or laying any charge against me;—Copy of the paper that the General transmitted to his Lordship, in order to my signing of it before I should be allowed to return to Minorca; and Copy of his letter to his Lordship on that occasion;—Full extracts of such parts of every letter that was written by his Lordship to the General as relate to me.

‘ A letter written by Mr. Ximenes, as syndic, or agent, for the Minorquins to his Lordship, relative to a petition or memorial from the Clergy, which he was directed to deliver to Lord Hillsborough in person; but who, *I understand*, refused to admit him to his presence.

‘ Copy of that petition or memorial: And copies of the *letters* stated in the General’s petition to the House of Commons *to be in the Secretary of State’s office*, containing my *secret* correspondence with Dr. Franklin †.

† * * * To the foregoing letter I received the following answer.

“ Whitehall, 14th September, 1784.

“ S I R,

“ I have received your letter of the 3d inst. desiring to be furnished with the copies of sundry papers mentioned in a schedule, which are deposited in my office, to enable you to frame an humble remonstrance to the King on the subject of your grievances, to be particularly stated therein.

“ I am sorry, Sir, to be under the necessity of refusing a compliance with your desire upon this occasion, as it hath been my constant rule never to deliver any copies of the correspondence, or other papers in my office, except in cases where such copies have been called for by Parliament.

“ Having every reason to suppose, that you can have no further use for the papers you have desired, than for elucidating your remonstrance to the King,

“ I shall

" I shall be prepared to lay them before His Majesty, if he should think them necessary for his perusal, whenever I may receive his Royal Commands for that purpose †.

" The petition which you left at my office some time ago, was laid by me before the King.

" I am, &c.

" SYDNEY."

" James Sutherland, Esquire."

Nº. IX.

Blackheath, 1st October, 1784.

My Lord,

" I should have troubled you with this letter much sooner, in consequence of that with which I have been honoured from your Lordship, dated the 14th ultimo, had I found it a less difficult task than I do, to convey my sentiments concerning it, in terms proportioned to the very high degree of deference, which I am so much disposed to feel for every thing proceeding from your Lordship; at the same time

† * * This letter was delivered to me on the 16th of September, at Lord Sydney's Office:—Mr. Nepean told me that Captain Sutton's having obtained a copy of Commodore Johnstone's letter regarding him, was not to be considered as a deviation from the rule that Lord Sydney had laid down; for a part of that letter had before appeared in the Gazette!

So part of a letter having appeared in a Gazette, was a sufficient reason for granting a copy of the whole to Captain Sutton; while General Murray's agent (for it was done on his application, the usual motion for the Committee's being empowered to send for persons, papers, and records, not having been made) gets papers produced from Lord Sydney's Office, to a Committee of the House of Commons, before which my character is traduced;—those papers are minuted in the proceedings of the Committee, and it is held fair, and consistent with official rule, to refuse me a copy of any, and every, one of them!!!

time that I cannot entirely recede from my claim, for the copies of papers that I had applied for.

That such of them, as I held to be necessary for the vindication of my character to my Sovereign, in order to induce the Royal Goodness to do that act of justice, which the King only has the power of doing; namely, *to take off the stigma stamped on me, in the votes of the House of Commons, by the message which His Majesty sent on the ninth of August last, recommending a petition to the consideration of the House, in which General Murray charged me with High Treason*; I say, my Lord, that copies of such papers as those would not have been refused me, I firmly believed: not only from the conviction I felt that, on the principles of natural justice, I had a right to them; but from an act which did so much honour to Lord Shelburne's administration, and to your Lordship in particular:—I mean the additional instruction to the Governor of Jamaica, regarding the Judges of that island.

If I was warranted to entertain such an idea from the spirit of that instruction, judge, my Lord, what sensations of vexation and disappointment I must have undergone, on finding such copies refused me! The surprize I felt on the occasion was never equalled, except when I found that the King had sent that message to the House of Commons, while your Lordship was possessed of a memorial of mine, soliciting, that I and my case might be laid at His Majesty's feet; a copy of such part of which memorial, as related to the Treasury department, I was on the 21st day of July assured at your Lordship's office, would that day be sent from thence, with a letter to the Treasury; and that the other parts of it would be taken into serious consideration, as soon as possible!

Of that memorial I heard no more, until your Lordship, in your letter before mentioned, informed me that it had been laid before the King:—Having received that information, I am to presume, that whenever the Royal Pleasure is determined upon it, your Lordship will communicate it to me.

I have read, my Lord, the votes of the day on which General Murray's petition was introduced into the House of Commons, and referred to a committee; in which I do not find any indication of an application from Parliament, in order to the production of any papers whatever: Yet Mr. Brietzke did attend the committee, and did produce such papers from your Lordship's office as the General wanted; and among others,

others, to my extreme astonishment, the very letter that I sent to Dr. Franklin, while I was a state prisoner to France, and which I had been repeatedly told was not in the office!

Let me then intreat you, my Lord, to consider, whether I am, or am not, entitled to have, *at least*, copies of the papers, that have been so produced before a Committee of the House of Commons, in which proceedings were carried on tending to dishonour me?

Lord Hillsborough had long ago been examined upon interrogatories, exhibited in a court of justice on the General's behalf, regarding one of those papers; and yet a copy, *even of that paper*, is withheld from me!

I am unhappy, my Lord, that you have supposed, that I can have no further use for the papers I applied for in my letter of the third ult. than for elucidating my intended remonstrance to the King; for I meant to have conveyed the idea to your Lordship, that it was "*to enable me to frame*," not to elucidate it, that I wanted them:—I certainly do not mean to confine myself to my own justification; but do mean to go further in such remonstrance.

But even supposing that I could have no other use for the papers than to elucidate the remonstrance, how is it possible for me, my Lord, to refer to them, or to quote any particular parts of them, in order to such elucidation, while I am kept in total ignorance of them?

In some offices, and with some of the King's ministers and officers, I have found different ideas prevail, at different times, and with different men; as to the propriety of granting or withholding papers: But, until the tenth of last month, I never met with a refusal of papers, *under any administration whatever*, at the Council Office. On that day I was told by Mr. Fawkener, in answer to a letter that I had written to Mr. Cottrell, requesting to be favoured with certain papers, "that he had laid my letter before a committee of the Privy Council, and was directed to acquaint me, that my request, or any part of it, could not be complied with; and that the granting copies of papers, was for the information of the parties concerned in matters before the Council, while such matters were depending!"

In contradiction to this, to me seemingly novel doctrine, I have the experience of *twenty years*; in which I have been in the habit of obtaining a variety of papers
from

from that office, regarding matters that were not depending before the Council, at the time I applied for them; and in which I was not a party.—I have copies of two in my custody that I obtained since I was suspended by General Murray: The first, is an Order of Council, dated the 26th day of August, 1755, in the case of Dr. Gabriel Olivar, and General Blakeney; and the second, is the Additional Instruction to the Governor of Jamaica, before mentioned; approved in Council on the 9th January, 1782.

When I applied for a copy of this last mentioned paper, I was desired to express in writing the use for which I wanted it, in order to inform the then Lord President, Lord Camden, of it:—I did so, stating, that I thought I might have occasion to give it in evidence, in the cause then depending between me and General Murray: Under this statement I obtained the copy. I sent a person to the office on the 23d February, 1783, to compare those two papers with the original entries of them, in order to their being given in evidence; and he was allowed to do so.

Sir Thomas Davenport, who was General Murray's leading Counsel, thought proper to mention the Council at the trial, and went far and boldly into the subject, *more so than I choose to do.*—In handing your Lordship such part of his speech, as I think it decent to quote on this occasion, as taken down by the short-hand writer, and expressed in the thirteenth page of the printed trial, I beg to be understood, as only pointing out the sentiments of a great lawyer; and as by no means conveying my own: which, perhaps, do not absolutely tally with his, viz. "The Judge of the Admiralty is certainly accountable to the Governor; and the Governor is accountable to His Majesty and his council; and the public have a right to see if there is any misconduct by the council."

The following are the additional words that I did not think proper to state to Lord Sydney, viz. "*and His Majesty himself;—it would be an object of enquiry by the legislature, and would, no doubt, be enquired into, if they saw any misconduct there—There cannot be a doubt of it.*"—In insinuating to Lord Sydney, that my sentiments did not absolutely tally with those of the learned advocate, my mind was not impressed with any idea, that the constitution had not vested the legislature with the superintending power which he described. That I could not be heard upon a Petition to the House of Commons, of which I previously sent printed copies to most of the Members, with the following

‘ At the Judge Advocate General’s office, I found no difficulty in obtaining a copy
 ‘ of a paper that I applied for to Sir Charles Gould, on the first of May, 1783:—I not
 ‘ only obtained a copy of it, but the person sent by me on the 22d of July following
 ‘ for that purpose, was allowed to compare it with the original entry in that office. I
 ‘ have the honour to enclose a copy of that letter, that your Lordship may see the man-
 ‘ ner in which I applied for the paper, and why I wanted it.

‘ The General, on the 11th of March last, having satisfactorily done away any thing
 ‘ that might be construed to be injurious to me in such paper, my ideas of honour
 ‘ made

following apology † for having done so, may create astonishment *in another age*, should
 the fact be recorded!

“ † Mr. Sutherland holds it necessary to apologize to every Member of the House of Commons that shall
 “ receive a printed copy of his petition, for intruding it on him before the original has been presented to
 “ that Honourable House, by pointing out the necessity he is under of adopting such a measure.

“ He found it impossible last session to get a petition of a similar nature—in part, read and investigated
 “ there: He does not know any Member of Parliament that he thinks he is authorized to call on, to intro-
 “ duce and support his present petition to its investigation, in any other sense *than as an injured British*
 “ *subject, who has not a wish nearer his heart than to meet with punishment, if he shall be found to deserve it;*
 “ *and who considers it not less the office of the legislature to protect than to punish, wherever the one or the other*
 “ *is merited.*

“ In those points of view he thinks he might indifferently call on the *justice* of every Member of Par-
 “ liament:—yet motives of delicacy, not disrespect, have determined him not to send copies of his petition
 “ to such of them, as he knows are friends of General Murray, or of his connections. But, as for the
 “ want of the knowledge of every one that is so, copies may be sent to some of them, he hopes it will be
 “ believed, that no offence is meant to be offered them. And to those Members that have been of his own
 “ acquaintance, he begs leave to say, that it is not, in the least, presuming on that acquaintance, that he
 “ has sent them copies.

“ Unless some other unexpected means of getting it presented shall occur, he intends on Friday the 28th
 “ inst. to attend in the lobby of the House of Commons with his petition in his hand: His wish, that the Mem-
 “ bers may be previously apprized of the nature of it, so as to induce some Member then to receive and
 “ present it to the House, is the cause of this intrusion.

“ It will depend upon the reception and investigation which the petition shall meet with, to determine,
 “ whether, in this case one shall be established, wherein, contrary to the ideas of every writer on our consti-
 “ tution, a British subject can receive an injury, for which he can no where find redress.

“ Blackheath, 19th January, 1785.”

‘ made me consider myself as restrained from going into further proceedings on that matter: But the infamous attack by him since made on my honour and reputation, has unfettered me; and holding myself free to do so, I will make it a part of my intended humble remonstrance to the King; so as to take off the false colourings and shades which he threw over the transaction regarding auctioneers’ fees, at his Court Martial; and which, perhaps, contributed to that lenity shewn him by His Majesty on that head.

‘ I have gone into something like a digression, my Lord:—But it is meant to a tendency of illustrating the propriety of my claim for papers. I will not trouble your Lordship any longer, than to repeat the request contained in my letter of the 3d ult. before mentioned; and to add, that if your Lordship still has an objection to letting me have any papers that did not appear in the Committee, I may have a full communication of every one that was produced there; and copies and extracts of such of them as I stand in need of.—Had I known, in time, that they were so produced, I had a short road to get at them: For by the usage and custom in parliamentary proceedings, it was the duty of the Clerk of the Committee to have furnished me with copies of every paper that he had in his possession, on my demanding them.—I ultimately beg leave to request, with great deference for your Lordship, that if you, my Lord, contrary to my expectations, shall feel any difficulty in determining herein, favourably to my wishes, your Lordship will be pleased to lay this letter before the King; and that I may be informed of His Majesty’s Royal Will thereupon.

‘ I have the honour to be, &c.

‘ JAMES SUTHERLAND.’

‘ The Right Hon. Lord Sydney.’

Nº. X.

‘ Blackheath, 27th November, 1784..

‘ S I R,

‘ Having applied by letter on the third of September to Mr. Rose, requesting that he would move the Lords of the Treasury that I might be furnished with a copy of the memorial which General Murray, in his petition to the House of Commons, mentioned his having presented to His Majesty; and a copy of the reference made thereof to the late Board of Treasury; and also a copy of the Treasury Minute there-
upon;

‘ upon ; I have been shewn a Minute of the 25th of October, importing that that letter having been laid before the Board, their Lordships were of opinion, that my request could not be complied with.

‘ I had, on the same day that I applied to Mr. Rose, made another application to Lord Sydney, regarding papers in his department ; and although his Lordship, in a letter with which he honoured me in answer to it, indicated that he was under a necessity of refusing a compliance with my desire, as it had been his constant rule, never to deliver any copies of the correspondence, or other papers, in his office, except in cases where such copies have been called for in Parliament ;—I could not avoid addressing another letter to his Lordship, on the first of October aforesaid, stating, in terms as modest as they were meant to be expressive of that respect which I felt, and still profess for Lord Sydney, that I could not totally recede from my claim ; but that if his Lordship still had an objection to letting me have any papers that did not appear in the Committee, (meaning the Committee that sat on General Murray’s petition, assailing my honour and reputation ; which petition, by a manœuvre of his friends in the House of Commons, was allowed to be withdrawn, after having been sent forth into the world in the votes of the House, so as to prevent mine being introduced or read †, although I had firmly relied on its appearing also in the votes,) I might have a full communication of every one that was produced there ; and copies and extracts of such of them as I stood in need of :—And I did request, with great deference to his Lordship, that if he should feel any difficulty in determining favourably to my wishes, he would be pleased to lay that letter before the King ; and that I might be informed of His Majesty’s Royal Will thereupon.

‘ Mr.

† Persuaded that such a manœuvre would be played off, I told the gentleman who accepted of my Petition to the House, of my suspicions ; and did every thing I possibly could, to prevail on him to move for leave to bring it up, as soon as the House proceeded to business. —It was suggested however, from another quarter, to wait till Mr. Pitt should come down to the House. As soon as the Minister arrived, General Murray’s friend moved for leave to withdraw his Petition ; and this was granted ; although the proceedings on it had been carried to that length, that the report was to have been brought up that afternoon.

‘ Mr. Nepean had assured me, that I should have a written answer to my letter ;
 ‘ but, last Thursday, Lord Sydney did me the honour of seeing me himself, and
 ‘ gave me to comprehend, that I was not to have one ; and after having given me
 ‘ the same reasons that he had assigned before for the refusal of papers, indicated
 ‘ that my letters had been laid before the King ; *and that his Lordship could not give*
 ‘ *me any answer as to His Majesty’s Pleasure thereon :* So that I am absolutely refused
 ‘ a copy, and communication, of any paper whatsoever ; *even of my own letter to*
 ‘ *Dr. Franklin !*

‘ Had the papers remained with the Clerk of the Committee, it would have been his
 ‘ duty to have furnished me with copies of every paper that was in his possession, on
 ‘ my demanding them.

‘ I appeal, Sir, to your knowledge of the usage and custom in parliamentary pro-
 ‘ ceedings, as to the truth of this assertion ;—I have a proof of it in my custody, having
 ‘ been furnished by the clerk, with a copy of that very minute, which my application
 ‘ to Mr. Rose could not procure me.

‘ And I beg leave, Sir, to appeal to your (once professional) knowledge, in the
 ‘ jurisprudence of this country to determine, whether I am unjustifiable in solicit-
 ‘ ing a revision to be had of the Treasury proceedings on my aforesaid letter to
 ‘ Mr. Rose ? And in hoping, that having, as I have just observed, obtained a
 ‘ knowledge of the Minute of the late Board of Treasury, from the Clerk of the
 ‘ Committee (of which Minute I have the honour to enclose a transcript *,) I may be
 ‘ furnished

* Treasury Minute, 15th December, 1783.

PRESENT :

Lord John Cavendish,

Mr. Montague,

Sir Grey Cooper.

My Lords, take into consideration a Petition *to the King* from General Murray, late
 Governor of Minorca, transmitted to the Board by Lord North ; praying to be relieved
 from judgment awarded against him at the suit of Mr. Sutherland, late Judge of the Vice
 Admiralty Court in Minorca :—Also the opinion of the late Attorney General on Ge-
 neral

“ furnished with a copy of General Murray’s petition to the King, stated in it, to be
 “ transmitted to the Board by Lord North; and of whatever his Lordship wrote upon
 “ the occasion*.

‡ In the first letter that I had the honour of writing to you, Sir, I applied as a
 “ British subject unconnected with party, without friends or protection, and that had
 “ not any Member of Parliament of his acquaintance that he could ask to present his
 “ petition to the House of Commons:—Such I am; and as such, I think I am in pos-
 “ session of a more powerful recommendation to a Minister of your character, for
 “ obtaining what I now apply for, (in order that I may not be groping in the dark
 “ for circumstances, the misrepresentation of which induced His Majesty to approve
 “ of General Murray’s prayer for relief; which the King’s justice would never have
 “ done, had he been truly informed on the subject,) than if I were a man, backed by
 “ all

neral Murray’s case; wherein he states, *that it is not adviseable to seek further relief at law.* †—And His Majesty having graciously accepted the General’s prayer for relief,

My Lords, direct the Solicitor to ascertain what the amount of the judgment, and the General’s legal costs is, and to lay the same before the Board: And my Lords will then issue money to him for the discharge thereof.

* Two paragraphs that follow this, in the Original, are omitted here as unnecessary to be inserted; they regarding a member of a former administration.

† Would the Attorney General have given this opinion, if any part of my conduct had been such, as to have justified the suspension of me, from my office?

' all the parliamentary, and East Indian weight, of such families as the Johnstones, and
' the General's other friends &c.

' I have the honour to be, &c.

' JAMES SUTHERLAND J.'

' Right Hon. William Pitt.'

' N^o. XI.

§ In the original a paragraph follows this, which is omitted as immaterial, since it regards a member of a former administration.

|| This letter I delivered to Mr. Pitt's Porter, and enquired whether his master was at home; and being answered No, I enquired whether Dr. Prettyman was there?—Whether he had any fixed hour for coming to Downing Street?—And whether the Porter could tell me at what time there might be a probability of finding him there?

To all these enquiries I received no other answer than No!

I went every day, and sometimes twice, or three times in a day, to enquire for Mr. Pitt, or Dr. Prettyman at Mr. Pitt's House; and was constantly told that neither of them were there.

At last I wrote Dr. Prettyman a letter, of which the following is a copy.

' S I R,

3d Dec. 1784.

' I have done myself the honor of waiting on you, in order to enquire whether it is in
' your power to inform me of Mr. Pitt's determination on my letter to him of Saturday
' last?—or whether Mr. Pitt may choose to signify it to me himself. And I will beg
' leave to return on Monday next on the same occasion.

' I am, S I R,

' Your most obedient humble servant,

' JAMES SUTHERLAND.'

' The Rev. Dr. Prettyman.'

I re-

‘ Mahon, 17th June, 1779.

‘ MY LORD,

‘ When I had the honour of writing to your Lordship on the eleventh of March, about Mr. Soyris, I meant at the same time to have represented the hard treatment that I met with from General Murray, since my return from France; instead of the consolation that I expected for what I had suffered there; but the distresses of my mind, and my weak nerves, deprived me of the power to execute so disagreeable a task. — I have attempted it since, more than once; but with so much reluctance, that I could not go on; — For as my friendship and regard for the General, had been so great, before I went to England, that he could always command me in every thing that was not contrary to the dictates of my conscience, and my honour; I could not easily curb those feelings for him: yet, after weighing all circumstances, I concluded that it would be dishonourable for me to be silent; and therefore your Lordship would have been troubled with this letter earlier, if any mail had been made up at the Post-office since the packet failed last for Leghorn.

‘ When I engaged Mr. Soyris by the General’s order to go to France; it was upon the express condition that nobody should know any thing of his being employed, but the General, Mr. Soyris, and myself; and that his hand writing was not to be seen by any body, but the General and me.

‘ In

I returned at the time indicated in my letter, and Mr. Pitt’s Porter informed me that Dr. Prettyman had desired him to tell me, that Mr. Pitt had not yet had time to look at my papers.

I let five or six days pass over before I returned to make my enquiries in Downing Street — I then repeated them every day in the same manner as, and with no better success than, before. — At length, tired out by this treatment, after having gone there in the morning of the 16th of December, I returned after noon the same day, and holding a paper in my hand on which the words were written, desired the porter to tell his master; “that having been there so often, I thought my coming any more would be useless; unless I should be sent for.”

‘ This indication produced no more than my other applications had done !

‘ In consequence, the first intelligence he sent me from France, I carried to the General; who, having read it, returned the original to me, and desired me to make an extract from it, and give it to him; from which extract any copy that might be sent to your Lordship should be made; and I did make such extract, and deliver it to the General: But when I carried him the second intelligence from Mr. Soyris, he kept the original, never returned it to me; nor did I ever make any extract from it.

‘ While Mr. Soyris was in France, the General interested himself very extraordinarily about a Roman Nobleman, the Marquis Orfini, who had come here in consequence of connections that he had had in trade, with Mr. Francis Segui, the son of the Civil Assessor in this island. — This Nobleman alledged, that he was half owner of a vessel for which a Mediterranean pass had been granted upon the oath of Mr. Segui, as his sole property. — This pass, after having been made use of, was returned into the Secretary’s office, and the bond that had been entered into by Mr. Segui’s securities on issuing the pass, *was cancelled, by tearing off their seals and signatures.* — Upon this very bond *so cancelled*, the General ordered his secretary to sue the persons that had signed it, for the penalty mentioned in it. — This cause was tried before me; and I determined that the securities were not liable to the penalty.

‘ When I waited on the General with my sentence, he was extremely displeased; — ordered an appeal to be made from it: — menaced me with a complaint, and that my conduct should be laid before the Privy Council, with the Appeal: To all this, he added so singular a mark of his resentment, that I required the fullest evidence of my senses to be certain of it.

‘ From this moment, I constantly met with marks of disgust from the General; and I was soon forbid his house, though I had not attempted going there.

‘ Shortly after this, Mr. Soyris returned from France in the packet, when she escaped from Marseilles on the appearance of hostilities, and the General the next morning sent one of his family desiring him to come to him. — This circumstance, added to the suspicions that already prevailed here, that he had been sent to France as a spy; and I humbly presume, that though the General was offended with me, on such a nice occasion as this, he ought not to have sent for Mr. Soyris; but that the intelligence should have been conveyed to him in writing through me, if he did not choose to see me. — At the return of the packet from her first voyage to

‘ Leghorn,

Leghorn, a Corsican Gentleman came passenger in her, and it was soon after reported, and in the mouth of every body, that the General expected a thousand Corsicans to reinforce the Garrison.—On seeing the vast preparations that His Excellency made for a siege, I was led to believe, that he must have got better intelligence than had been procured by Mr. Soyris; and therefore, as our garrison was weak, and the General was stimulating people of all denominations to serve His Majesty, I, (though fighting is not my profession, desirous to set an example, and to encourage others, wrote the General a letter, offering my services in the Fort, in any character, where *my arm* and my small abilities should be held most useful: And I had applied to the Commanding Officer of the fifty-first regiment, to be allowed to do duty, as a common soldier, with the grenadiers of his corps.—The General chose to decline my offer, and I had the mortification to find, that I was the only man in the whole island that was refused.—I felt this the more sensibly, as, while Mr. Soyris was in France, and before I had given sentence regarding the bond before mentioned, the General had assured me, that, in case of an attack from France, he would employ me honourably, and near his person.

After this, and that the idea of a siege had blown over, thinking it right to guard against the effects of the General's menaces and resentment, I determined to go to England. When this came to be known, insinuations were made to me, that the appeal from my sentence would not be prosecuted! to which I answered, that that was a matter of great indifference to me; and that I was resolved to go to England to shew that I had nothing to fear; and that my behaviour there, with regard to the General should be regulated by what I should find he had represented, or might represent concerning me. As I found that the General had not complained of me, and that no steps had been taken at the Council office to prosecute the appeal, I, on my part, said nothing about him in England.

The misfortune of my having been taken by the French, and sent a prisoner to Fort St. Nicholas, are circumstances that your Lordship cannot be uninformed of. That misfortune was totally owing to the business of Mr. Soyris; and the story of the thousand Corsicans being handed to France, where it was supposed, that I had been sent to England by the General on public business; and that I was bringing him back answers from Government. I was not released from that fort until the Commandant, seeing the extreme danger that I was in as to my health, and my mental faculties, allowed a Physician and two eminent Surgeons to hold a consultation about me; and he having sent the result of their deliberations to Monsr. de Sartine, the return

of the post brought his orders for my being sent back to Aix on my parole.—Those orders came in a critical time; for I could not have existed, a prisoner, three days longer.

On my return from France, I was shocked at the coolness with which the General received me. In a few days he used me very ill; and he has since treated me in a manner to lessen that consequence among the commercial people and the inhabitants, that ought to be kept up, to give respect to my office.

But the only fact that I mean to point out to your Lordship *in complaint against the General*, is, that a Captain of an English merchant ship, who is on his parole at Aix, having sent a letter for him, soliciting to be exchanged, to be forwarded to me by another Englishman that was in France; the latter person wrote to me; and I having sent the Captain's letter, as well as my own from that Englishman to the General, His Excellency chose to send me a message in form, by Mr. McNeill, Agent for prisoners of war, desiring, that I would not in future correspond with any of His Majesty's enemies. As that message, put in circulation, tends to convey an idea that I had held some improper correspondence, I feel it as a severe wound to my honour and reputation.

I therefore, my Lord, intreat your Lordship, to lay me with all humility, as a most loyal and zealous subject, at the feet of my Sovereign, humbly requesting His Majesty's favour and justice, to make General Murray declare the reasons that he had for sending me that message; and that if he has any thing to accuse me of, *he may be compelled to do so, openly*; and that if His Majesty, in his Royal Wisdom, shall think that I have not merited such a message to be sent to me, that such reparation may be made to my injured honour, as His Majesty shall think proper.

Whispers, I know, though I cannot prove them, or the author of them, have been sent forth regarding me, of such a tendency, that would not have been made any where but here!

Not only my health was so much impaired by my confinement, that my nerves are not yet quite recovered; but my fortune suffered considerably, from the long detention of myself and my son at a great expence in France. May I, my Lord, humbly solicit your Lordship, to represent this to His Majesty; that as that misfortune and expence were brought on for his service, they may become objects of his Royal consideration:

‘ consideration : On this occasion I entreat to be allowed to observe, that when the General transmitted to your Lordship the original memorials from the Jurats of Mahon, and the commercial people of this island, of which the enclosed are copies *, requesting that the fees of my office might be fixed according to their ideas, and that a salary might be appointed for me ; they never meant that the General, *who strongly represented my merits*, and the necessity there was, that something should be added to my income, should have proposed as he did, *fees on Mediterranean passes for me, which could not be allowed of*, instead of a salary ; but that they requested precisely, *that His Excellency would recommend to His Majesty to appoint a salary for me, payable out of the patrimony of this island.*

‘ I beg your Lordship’s pardon for my giving you this trouble ; and I have the honour to be, &c.

(Signed)

‘ JAMES SUTHERLAND.’

‘ The Right Hon. Lord Viscount Weymouth.’

Nº. XII.

‘ London, 14th March, 1781.

‘ MY LORD,

‘ As I am informed that General Murray, Governor of Minorca, has transmitted a duplicate of a note which I wrote him from Leghorn, to your Lordship, that the same might be laid before the King, in complaint against me ; I beg your Lordship’s permission to enclose you a copy of a narrative, of *some (for I have others that I would not choose to put in circulation)* of the private reasons that induced me to write that note, and also a paper of minutes, concerning some cards that passed between the General and me before ; and a copy of a certificate regarding my indisposition, when I was a state prisoner in France. And I must humbly request, that your Lordship will be pleased to lay both those papers also, before His Majesty, in my justification.

‘ I have stated in that narrative, that on the 17th of June, 1779, I wrote to Lord Weymouth, complaining of the General ; and soliciting His Majesty’s favour and justice, not only to obtain redress, but that as the misfortune of my having been a

* It is not thought necessary now to insert these Copies.

‘ state prisoner, the loss of my health, and the great diminution of my fortune; were brought on for His Majesty’s service, they might become objects of His Royal Consideration.

‘ That letter, I understand, has not, as yet, been laid before the King; and therefore, I likewise humbly request, that your Lordship will be pleased to lay it also before His Majesty.

‘ When General Murray sent to suspend me from my office of Judge of the Admiralty, I was only told, that he did it *for disobedience of his lawful commands, and for some other reasons which should be made known to His Majesty.*

‘ With regard to what *he calls disobedience of his lawful commands*, I have explained myself fully, (and I hope satisfactorily,) to the Lords of the Admiralty; but as he must have transmitted *his other reasons* to your Lordship, officially; may I, my Lord, in all humility, solicit the favour of your Lordship, to let me have copies of *those other reasons*; and of every thing that he has wrote on the matter of my suspension; in order that an affectionate, well-disposed, and most loyal subject as I am, may not be aspersed *on any account whatsoever*, without having an opportunity of vindicating himself to His Most Gracious Sovereign,

‘ If it should be your Lordship’s pleasure, at any time, to desire to see me, I shall consider it as the highest honour; and answer any questions with candour: and I entreat, that your Lordship will be assured, that, let General Murray have wrote whatever came uppermost, to answer his malevolence against me, *I neither have meddled, or do meddle, with any person’s concerns but my own; and that I am possessed of proofs of this*: and that the object of my resentment against him, is confined to the vindication of my honour and character; to have *a moderate* satisfaction for the injuries he has done me, and to the prevention of my being used ill in future.

‘ I have the honour to be, &c.

‘ JAMES SUTHERLAND.

‘ The Right Hon. the Earl of Hillsborough.’

John Lewis Lariviere deposeeth, upon the oath he has taken before Lieutenant George Don, Secretary to his Excellency General Murray, Governor of the Island of Minorca, &c. &c.

THAT Captain Johnston, late his Excellency's Secretary, did several times question the Deponent, concerning a private affair contracted between his Excellency and Joseph Bianchi, in which the Deponent was concerned as interpreter, and passing some writings; which questions the Deponent always evaded answering, until one day Captain Johnston seemingly taking it amiss, the Deponent told him he could not let him know, his Excellency having commanded him to keep it a secret; on which Captain Johnston said, I shall know it from his Excellency some of these days. — on the same day, about eight o'clock in the evening, his Excellency sent for the Deponent, ordering him to tell Bianchi to get ready to sail on the first warning; and renewed his orders to him, not to let Captain Johnston know any thing of it: on which he told His Excellency he might be assured he would not. — That Captain Johnston had oftentimes asked and endeavoured to get it out of him. — Next morning Captain Johnston met the Deponent on the Parade, as he was going to the office, telling him that he did very wrong to let the General know that he had asked the Deponent to tell him what the General was doing with Bianchi, as that might be the occasion of breeding misunderstandings between them; upon which he told him he never meant to hurt him; and he said he would never more enquire of him about that affair. A few days after, but the Deponent does not recollect the day, any further than that he had wrote out a copy of His Excellency's will, which was lying on a table in the great room, and where also the Deponent brought some letters, and a copy of the contract to be inclosed in a letter to Lord Le Despenser, which contract was endorsed in such like words, "A copy of a contract or affreightment of the Genoese Pink St. Lewis Gonzaga, between his Excellency the Honourable Lieutenant General Murray, and Joseph Bianchi."

That on the same day, Captain Johnston came from the General's into the office, and told the Deponent, the General makes a great secret of what every body may have seen to-day. — I have seen the contract, with an indorsement between his Excellency and Bianchi lying upon the table; and all those that signed as witnesses to the will might see it as well as myself.

' The above having been read to Mr. John Lewis Lariviere, he, as aforesaid, has
' taken his oath to the truth thereof, and signed it with his own hand in the Secretary's
' office at Mahon, 12th September, 1779.

J. L. LARIVIERE.

In presence of GEO. DON, Secretary.

Nº. XIV.

Grecian Coffee-house, Temple, 20th April, 1785.

SIR,

' As I mean to do nothing but what is right, I trust to this declaration to plead my
' excuse, if I am wrong in writing to you once more.

' General Murray, I understand, is to apply to Parliament again to-day.—I wish to
' be heard by counsel at the bar of the House, before his Petition goes to a committee;
' and not to be taken by surprise, *after having sent Lord Sydney a Memorial to be laid*
' *before the King.*

' So far as I am entitled to apply to you, Sir, as the Minister of this country, I pre-
' sume to do so, to urge that wish.

' Dishonor was brought on the reputation of His Majesty's Vice Admiralty Court by
' my suspension.—The representations of the Imperial Ambassador, and others, that I
' believe are in the office of the Secretary of State for the Foreign Department, may
' prove this.

' General Murray *partaking of the Auctioneer's Fees, on the sale of prizes*, had an
' interest in removing a man who never had *one* appeal made from any of his sentences;
' and introducing another of a different description; whom Government would have su-
' perseded, had it not been intended that I should have been restored to my office.

' In a printed copy of a Petition that I formerly sent you, Sir, I pointed out a circum-
' stance, demonstrative of the General's having no fair claim on Government, had he
' even been justified in the suspension of me.

' I have the honour to be, &c.

JAMES SUTHERLAND.

' The Right Honorable William Pitt,

FINIS